Regular Session, 2011

HOUSE BILL NO. 643 (Substitute for House Bill No. 558 by Representative Johnson)

BY REPRESENTATIVE JOHNSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CAMPAIGN FINANCE: Provides for certain campaign finance provisions relative filing, reporting, and limitations applicable to a deceased candidate under certain circumstances

AN ACT

To enact R.S. 18:1485(G) and Part VIII of Chapter 11 of Title 18 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 18:1551 through 1555, relative to campaign finance; to provide for certain reporting requirements and authority to file reports under certain circumstances; to provide certain special provisions applicable under certain specific circumstances when a candidate is deceased; to provide relative to contribution limitations under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:1485(G) and Part VIII of Chapter 11 of Title 18 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 18:1551 through 1555 are hereby enacted to read as follows:

§1485. Filing; receipt by supervisory committee; special penalties

* * *

G. Notwithstanding any other provision of this Chapter to the contrary, if a candidate dies and reports are required relative to a campaign of the deceased candidate pursuant to the provisions of this Chapter, the personal representative of the estate of the deceased candidate shall be responsible for filing the reports as

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required by this Chapter. For purposes of this Subsection, "personal representative" shall have the same meaning as provided in R.S. 9:2260.1.

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PART VIII. SPECIAL PROVISIONS FOR DECEASED CANDIDATES WITH DEFICITS

§1551. Exception

Notwithstanding any contrary provision of this Chapter, the provisions of this Part shall apply to circumstances existing when a candidate dies leaving a deficit which would have otherwise required reports to be filed if the candidate were not deceased.

§1552. Persons authorized to file reports

If the provisions of this Part are utilized, the personal representative of the estate of the deceased candidate as provided in R.S. 18:1485(G) shall be responsible for filing the required reports. The personal representative of the deceased candidate shall send notice to the supervisory committee of his intent to utilize the provisions of this Part to resolve the deficit of the deceased candidate.

§1553. Reports; contents; due dates

The reports shall be filed at the same time, shall contain the same information, and shall be certified correct in the same manner as reports required by this Chapter for candidates with deficits.

§1554. Contribution limitations

A. Notwithstanding the provisions of R.S. 18:1505.2(H), the contribution limit for contributions to a deceased candidate who has a deficit, or the principal campaign committee of such a deceased candidate, shall be ten thousand dollars per calendar year until there is no deficit.

B. Any contributions received in excess of the deficit shall be returned to the contributors on a pro rata basis.

§1555. Penalties

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A. The penalty provisions of Part V of this Chapter shall not be applicable to violations of this Part.

B. If a violation of this Part occurs, the supervisory committee shall notify the personal representative of the deceased candidate that each contribution received after the violation shall be returned to the contributor and that no further contributions, except contributions from a family member of the deceased candidate, may be solicited or received to resolve the deficit. For purposes of this Subsection, "family member" shall mean the spouse of the deceased, children of the deceased and their spouses, parents of the deceased, parents of the spouse of the deceased, grandparents of the deceased, siblings of the deceased and their spouses, and siblings of the parents of the deceased and their spouses.

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)]

Johnson HB No. 643

Abstract: Provides for the appropriate party to file required campaign finance reports when the candidate is deceased and provides that, under certain circumstances, the contribution limitation applicable to contributions for deceased candidates who have a debt is $10,000.

Present law requires the filing of campaign finance disclosure reports for candidates and political committees at certain specified times. Present law generally provides that if the final report of a candidate for an election shows a deficit or a surplus, the candidate and his treasurer, if any, shall file an annual supplemental report with the Supervisory Committee on Campaign Finance Disclosure (supervisory committee) of all the information required by present law each year no later than Feb. 15, complete through the preceding Dec. 31, until a report has been filed showing no deficit and until any surplus campaign funds have been disposed of in accordance with present law.

Proposed law specifies that if a candidate dies and reports are required relative to a campaign of the deceased candidate pursuant to the Campaign Finance Disclosure Act, the personal representative of the estate of the deceased candidate is responsible for filing any required reports. Present law (R.S. 9:2260.1) defines "personal representative" as an executor, administrator, or representative of a decedent's estate, a person legally authorized to perform substantially the same functions, or a successor to any of them.

Present law provides for certain limitations on campaign contributions: $1,000 per election for other office candidates, $2,500 per election for district office candidates, and $5,000 per election for major office candidates, but provides that certain specified PACs may give up to $2,000 per election for other office candidates, $5,000 per election for district office candidates, and $10,000 per election for major office candidates; with PAC contributions subject to the aggregate PAC contribution limitation on the election cycle of $20,000 for

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other office candidates, $60,000 for district office candidates, and $80,000 for major office candidates.

Proposed law provides that notwithstanding any contrary provision of the Campaign Finance Disclosure Act, when a candidate dies leaving a deficit which would otherwise require reports to be filed if the candidate were not deceased and the personal representative of the deceased candidate sends notice to the supervisory committee of his intent to utilize the provisions of proposed law to resolve the deficit of the deceased candidate, the following special provisions are applicable:

(1) The personal representative of the estate of the deceased candidate shall be responsible for filing the required reports.

(2) The reports shall be filed at the same time, shall contain the same information, and shall be certified correct in the same manner as reports required by present law for candidates with deficits.

(3) The contribution limit for contributions to a deceased candidate who has a deficit, or the principal campaign committee of such a deceased candidate, shall be $10,000 per calendar year until there is no deficit. Any contributions received in excess of the deficit shall be returned to the contributors on a pro rata basis.

(4) The penalty provisions, including late fees, civil penalties, and criminal penalties, in present law shall not be applicable to violations of proposed law. However, if a violation of proposed law occurs, the supervisory committee shall notify the personal representative of the deceased candidate that each contribution received after the violation shall be returned to the contributor and that no further contributions, except contributions from a family member of the deceased candidate, may be solicited or received to resolve the deficit. Defines "family member" as the spouse of the deceased, children of the deceased and their spouses, parents of the deceased, parents of the spouse of the deceased, grandparents of the deceased, siblings of the deceased and their spouses, and siblings of the parents of the deceased and their spouses.

(Adds R.S. 18:1485(G) and 1551-1555)

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