DIGEST

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Johnson HB No. 643

Abstract: Provides for special provisions applicable when the candidate is deceased and has a deficit, including providing that the contribution limitation applicable to contributions for deceased candidates who have a debt is $10,000 under certain circumstances.

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.

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 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. Proposed law specifies that "personal representative" shall have the same meaning as provided in present law (R.S. 9:2260.1) which 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.

(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. 18:1551-1555)

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Removes proposed general provision that would have specified 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.