

ACT No. 792

Regular Session, 2014

HOUSE BILL NO. 431

BY REPRESENTATIVE TIM BURNS AND SENATOR THOMPSON

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AN ACT

To amend and reenact R.S. 18:402(C)(1)and (2), (E)(1)(c) and (2)(c), and (F)(3) and 1280.21(A) and 1505.4 (C), relative to Campaign Finance Disclosure; to provide relative to penalties applicable to certain political committees for participation in specified elections; to provide for presidential preference primary elections and elections held at the same time as such primary; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:402(C)(1)and (2), (E)(1)(c) and (2)(c), and (F)(3) and 1280.21(A) and 1505.4(C) are hereby amended and reenacted to read as follows:

§402. Dates of primary and general elections

* * *

C. Municipal and ward elections. In all municipalities with a population of less than three hundred thousand, elections for municipal and ward officers who are not elected at the same time as the governor or members of congress shall be held every four years.

(1) Primary elections for municipal and ward officers who are not elected at the same time as the governor or members of congress shall be held on the first Saturday in April of an election year, or on the third first Saturday ~~after the first Tuesday~~ in March of the presidential election year.

(2) General elections for municipal and ward officers who are not elected at the same time as the governor or members of congress shall be held on the fourth Saturday after the first Saturday in April of an election year unless the primary election for such officers is held on the third first Saturday ~~after the first Tuesday~~ in

1 March; in such case, the general election shall be held on the fourth Saturday after
2 the ~~third~~ first Saturday after the first Tuesday in March of an election year.

3 * * *

4 E. Special elections to fill newly created office or vacancy in office. An
5 election to fill a newly created office or vacancy in an existing office, except the
6 office of representative in congress, shall be held on the dates fixed by the
7 appropriate authority in the proclamation ordering a special election as follows:

8 (1)

9 * * *

10 (c) The first Saturday in April, when the special general election is held on
11 the fourth Saturday after the first Saturday in April or on the ~~third~~ first Saturday ~~after~~
12 ~~the first Tuesday~~ in March during the presidential election year; however,
13 commencing in 1986 and every fourth year thereafter, this date shall not be
14 applicable in a parish containing a municipality with a population of three hundred
15 thousand or more.

16 * * *

17 (2) A special general election shall be held on one of the following days:

18 * * *

19 (c) The fourth Saturday after the first Saturday in April of any year unless
20 the primary election is held on the ~~third~~ first Saturday ~~after the first Tuesday~~ in
21 March; in such case, the general election shall be held on the fourth Saturday after
22 the ~~third~~ first Saturday after the first Tuesday in March; however, commencing in
23 1986 and every fourth year thereafter, this date shall not be applicable in a parish
24 containing a municipality with a population of three hundred thousand or more.

25 * * *

26 F. Bond, tax, or other elections. Every bond, tax, or other election at which
27 a proposition or question is to be submitted to the voters shall be held only on one
28 of the following dates:

29 * * *

1 (3) The first Saturday in April or the fourth Saturday after the first Saturday
 2 in April of any year or on the ~~third~~ first Saturday after the first Tuesday in March or
 3 the fourth Saturday after the ~~third~~ first Saturday after the first Tuesday in March
 4 during the presidential election year; however, commencing in 1994 and every fourth
 5 year thereafter, the first Saturday in April shall not be applicable in a parish
 6 containing a municipality with a population of three hundred thousand or more.

7 * * *

8 §1280.21. Presidential preference primary election

9 A. A statewide presidential preference primary election shall be held on the
 10 first Saturday in March in 2016 and every fourth year thereafter for the purpose of
 11 allowing the electors of each political party in the state which has forty thousand or
 12 more registered members to express their preference for a person to be the nominee
 13 of the party for president of the United States.

14 * * *

15 §1505.4. Civil penalties; failure to file; timely and accurate filing; forfeiture

16 * * *

17 C.(1) Notwithstanding the provisions of Subsection A of this Section and the
 18 provisions of R.S. 18:1511.4.1, for ~~committees that are~~ a committee that is
 19 supporting, opposing, or otherwise influencing the nomination or election of a person
 20 to public office, the maximum amount of the penalty that shall be imposed for
 21 knowingly failing to file or knowingly failing to timely file any ~~reports~~ report
 22 required by this Chapter for a special election shall be the total of the expenditures
 23 made for the purpose of supporting, opposing, or otherwise influencing the
 24 nomination or election of a person or persons to public office in such special election
 25 or the maximum penalty under the provisions of Subsection A of this Section,
 26 whichever is less.

27 (2) Notwithstanding any other provision of this Section and the provisions
 28 of R.S. 18:1511.4.1, for a committee that is supporting, opposing, or otherwise
 29 influencing the nomination or election of a person to public office that has made an
 30 expenditure in the form of a direct contribution to a candidate who was an elected

1 official at the time of the contribution and who determines, after the contribution was
2 made, to seek an office other than the office the candidate held at the time the
3 contribution was made, no penalty for knowingly failing to timely file shall be
4 assessed provided the contribution was disclosed on a report filed by the political
5 committee prior to the election in which the candidate participates.

6 (3) This Subsection shall not apply to a candidate's principal campaign
7 committee or any designated subsidiary committee of a candidate.

8 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____