

# Louisiana Campaign Finance Disclosure Act

---



# WHO IS A CANDIDATE?

- Person who seeks nomination or election to public office (except national offices and political party offices).
- A person is a candidate when:
  - he receives a contribution or makes an expenditure, or
  - he gives his consent for another person to do so, with a view to influencing his nomination or election to office, even if the specific office is not known, or
  - he qualifies for office.

# WHAT LEVEL OF OFFICER AM I?

## MAJOR

- Statewide
- PSC, Supreme Court, Court of Appeal, BESE
- Any office with an election district with a population in excess of 250,000

## DISTRICT

- Legislators
- Elected in more than one parish (unless population exceeds 250,000)
- Judges (except majors) –city court marshals & constables
- Election district in excess of 35,000 but less than 250,000
- Board or governing authority that has within its jurisdiction a municipality with a population of 250,000 or more

## ANY OTHER

- Not major or district
- District 35,000 or less

# **WHY IS MY LEVEL OF OFFICE IMPORTANT?**

- **CONTRIBUTION LIMITS**
- **REPORTING REQUIREMENTS**

# AM I REQUIRED TO FILE REPORTS?

- Candidates for "Major" or "District" offices.
- Each Candidate for "Any Other" public office who:
  - makes expenditures in excess of \$2,500; or,
  - receives contributions from a single source in excess of \$200. Does not include candidate's personal funds
- All political committees. PACs file reports on the same schedule as the candidates they support or oppose or on a monthly basis
- Any person who makes independent expenditures in excess of \$500.

**WHAT IS THE MAXIMUM AMOUNT  
I CAN RECEIVE FROM SOMEONE?**

**MAJOR**

**\$5,000**

**DISTRICT**

**\$2,500**

**ANY OTHER**

**\$1,000**

# WHEN DO I FILE REPORTS?

Candidate Elections



Proposition/Recalls



Website - [ethics.la.gov](http://ethics.la.gov)



# REPORTING AND FILING DATES

## SCHEDULE OF REPORTING AND FILING DATES FOR CANDIDATES & PACs SUPPORTING OR OPPOSING CANDIDATES

### PRIMARY ELECTION – APRIL 6, 2013

### GENERAL ELECTION – MAY 4, 2013

NO.	REPORT TYPE	REPORT COVERS PERIOD FROM:	REPORT COVERS PERIOD THROUGH:	REPORT DUE BY:*	FILED BY:
1.	180 <sup>th</sup> day prior to primary (180-P)	<ul style="list-style-type: none"> <li>• if 2011 annual report filed† – January 1, 2012</li> <li>• if first report - date of first contribution/ expenditure</li> </ul>	September 28, 2012	<b>October 9, 2012</b>	major office candidates & PACs supporting or opposing only
2.	90 <sup>th</sup> day prior to primary (90-P)	<ul style="list-style-type: none"> <li>• if 2011 annual report filed† – January 1, 2012</li> <li>• if first report - date of first contribution/expenditure</li> <li>• if 180-P filed - September 29, 2012</li> </ul>	December 27, 2012	<b>January 7, 2013</b>	major office candidates & PACs supporting or opposing only
3.	30 <sup>th</sup> day prior to primary (30-P)	<ul style="list-style-type: none"> <li>• if 2012 annual report filed†† – January 1, 2013</li> <li>• if first report - date of first contribution/expenditure</li> <li>• if 90-P filed - December 28, 2012</li> </ul>	February 25, 2013	<b>March 7, 2013</b>	all candidates & PACs supporting or opposing in the primary election
4.	10 <sup>th</sup> day prior to primary (10-P)	February 26, 2013	March 17, 2013	<b>March 27, 2013</b>	all candidates & PACs supporting or opposing in the primary election
•	Special (48 hour) report (s)	March 18, 2013	April 6, 2013	within 48 hours of transaction	candidates & PACs supporting or opposing having certain transactions (see over)
5.	Election Day Expenditures	See instructions on reverse side	April 6, 2013	<b>April 16, 2013</b>	all candidates & PACs supporting or opposing in the primary election
6.	10 <sup>th</sup> day prior to general (10-G) <b>LAST REPORT OF PRIMARY ELECTION</b>	March 18, 2013	April 14, 2013	<b>April 24, 2013</b>	<b>LAST REPORT OF PRIMARY ELECTION MUST BE FILED BY ALL CANDIDATES &amp; PACs SUPPORTING OR OPPOSING IN PRIMARY ELECTION</b>
•	Special (48 hour) report (s)	April 15, 2012	May 4, 2013	within 48 hours of transaction	candidates & PACs supporting or opposing having certain transactions (see over)
7.	Election Day Expenditures	See instructions on reverse side	May 4, 2013	<b>May 14, 2013</b>	all candidates & PACs supporting or opposing in the general election
8.	40 <sup>th</sup> day after general (40-G)	April 15, 2013	June 3, 2013	<b>June 13, 2013</b>	all candidates & PACs supporting or opposing in the general election
9.	Supplemental & Annual	April 15, 2013 if not in general June 4, 2013 in general	December 31, 2013 December 31, 2013	<b>February 18, 2014</b> <b>February 18, 2014</b>	candidates & PACs supporting or opposing with outstanding debts or loans or having additional contributions or expenditures

\* Date received either physically or electronically, by facsimile or e-mail, in the office of the supervisory committee or date of postmark or date receipted on a return receipt requested from the United States Post Office or receipt or invoice from commercial delivery service.  
† An annual report is due by February 15, 2012, if contributions received or expenditures made in 2011.  
†† An annual report is due by February 15, 2013, if contributions received or expenditures made in 2012.

Revised 1/2012



# REPORTING AND FILING DATES

This schedule of reporting and filing dates should be followed by all candidates in this election and by all political committees, including PACs, supporting or opposing candidates in this election. However, PACs may elect to report on a monthly basis.

Candidates for "major offices" and "district offices" must file these reports. Candidates for "any other offices" must file reports only if they spend over \$2,500 or collect contributions of over \$200 from a single source, excluding their personal funds.

**"Major offices"** include those offices elected statewide, Justices of the Supreme Court, Court of Appeal Judges, Public Service Commissioners, and any office with an election district containing a population in excess of 250,000. Those offices include offices elected parish wide in Caddo, East Baton Rouge, Jefferson, and Orleans.

**"District offices"** include the following offices (assuming the population of the election district is less than 250,000): members of the Louisiana legislature, offices elected parish wide, district court judges (except in Orleans), family court, juvenile, and city court judges, city court marshals and constables, offices elected in more than one parish, and offices elected in an election district having a population of over 35,000. These include offices elected citywide in Alexandria, Bossier City, Kenner, Lafayette, Lake Charles, Marrero, Metairie, Monroe, and Shreveport, and offices elected in East Baton Rouge that are not parish wide. Offices elected in a city or parish election in a parish with a municipality with a population of 300,000 or more (Orleans Parish). Offices to a board or governing authority which has within its jurisdiction a municipality with a population of 225,000 or more (East Baton Rouge Parish).

**"Any other offices"** are those offices which do not fall within the definitions of "major" or "district" offices.

Affidavits in lieu of reports may be filed by major or district office candidates who, for the entire election period, did not have expenditures in excess of \$5,000 and who did not receive contributions from a single source, including their personal funds, totaling in excess of \$200.

There are limits on the amount of funds which may be received by candidates from one source, excluding their personal funds and funds from political parties. Those limits, which apply separately to the primary and the general elections, are as follows:

\$5,000 - major office candidates	\$2,500 - district office candidates
	\$1,000 - any other office candidates

If the person making the contribution is a political committee (PAC) with over 250 members who contributed at least \$50 to the PAC in the preceding calendar year, then the limits may be doubled. There are aggregate limits on the total amount of PAC money that may be received by candidates for the primary and general elections combined of \$80,000 for major offices candidates, \$60,000 for district office, and \$20,000 for any other office candidates.

Rev. 10/2012

**Special (48) hour Reports:** Certain transactions that occur during the 20 days preceding an election must be reported within 48 hours of the transaction. Those transactions are (1) the receipt of over \$1,000 by major office candidates or PACs supporting or opposing, or over \$500 by district office candidates or PACs supporting or opposing, or over \$250 for any other office candidates or PACs supporting or opposing, or (2) the expenditure of over \$200 to any person who makes endorsements and who must file campaign finance disclosure reports.

**Election Day Expenditures Report:** All candidates who participate in an election and who are required to file reports must file the post election report of election day expenditures, even if none were made. All expenditures made for campaign services performed on election day and advertising broadcast or published on election day must be reported. If none were made, zeros must be reported. PACs, other than a candidate's committee, who participate in an election are required to file a post election report of election day expenditures only if the PAC has made election day expenditures.

**Annual/Supplemental Reports:** A report covering the preceding calendar year may be required to be filed by February 15. An annual report is filed by a candidate who has financial activity in a calendar year prior to the year of his election. A supplemental report is filed by a candidate who had a deficit or surplus from a previous election, or by a candidate who has had financial activity concerning a past election that occurred after the filing of the last required report for that election.

**Withdrawn & Unopposed Candidates:** The final report required will be the next Candidate's Report due as of the date the candidate withdraws or learns that he is unopposed.

**Penalties for Late Filing:** Penalties for late reports for candidates will be automatically imposed at \$40, \$60, or \$100 per day based on the office sought. PACs will be assessed \$200 per day for late reports.

**Proposition Elections & Recall Petitions:** Persons supporting or opposing propositions or filing recall petitions should request a special schedule of reporting and filing dates.

**Gaming Money:** Persons substantially interested in the riverboat and land based casino gaming industry are prohibited from contributing to candidates and committees supporting or opposing candidates.

Supervisory Committee on Campaign Finance Disclosure  
Post Office Box 4368  
Baton Rouge, LA 70821  
(225) 381-7271  
[www.ethics.state.la.us](http://www.ethics.state.la.us)

# ACT 25 OF THE 2008 1<sup>ST</sup> EXTRAORDINARY SESSION

All *major* and *district* office  
candidates **MUST** electronically  
file.



Effective  
1.1.12

# PROHIBITED PRACTICES

Contributions  
through or in  
the name of  
another

Contributions  
from an  
anonymous  
source

Cash  
Contributions  
over \$100

Contributions  
from those  
interested in  
the riverboat  
gaming  
industry and  
the land based  
casino  
industry

Payments to  
haul voters to  
the polls

Coercing  
persons to  
make  
contributions

Ban on  
contributions  
during  
Legislative  
Session

# USE OF CAMPAIGN FUNDS

## Campaign Funds

- Cannot be used for any personal use unrelated to a political campaign or the holding of public office

## Surplus Funds

- Returned to contributors on a pro rata basis
- Given as charitable donation as provided in 26 USC 170(c) or to a charitable organization as defined in to a 26 USC 501C(3)
- Expended in support of or opposition to another candidate
- Maintained for a future election

# CANNOT SPEND MY FUNDS ON...

Cannot use campaign funds to pay a fine, fee or penalty imposed pursuant to the **Code of Governmental Ethics**.

Only the person assessed a fine, fee or penalty pursuant to the **Campaign Finance Disclosure Act** shall pay the fine, fee or penalty with personal funds or campaign funds.



# ALSO...

**Cannot use campaign funds to make an expenditure to an immediate family member of the candidate**

**Exception if to a business in which the immediate family member owns an interest if:**

- It is a bona fide business that has been regularly doing business in the state for at least 12 months prior to the date of the expenditure
- Registered with the Secretary of State and provides goods and services related to the expenditure
- Holds an occupational license that was duly issued by the appropriate local governmental subdivision
- Solely for campaign purposes
- An arms length transaction in which the value of the goods and services is commensurate with the compensation paid



# LATE FEE ASSESSMENTS

- Major - \$100/day - \$2,500/max
- District - \$60/day - \$2,000/max
- Any - \$40/day - \$1,000/max
- Political Committees - \$200/day - \$3,000/max



PER DAY  
PENALTIES

# WAIVER REQUESTS

- A candidate has 20 days from receipt of a late fee order to request a waiver as to why the report was not filed in a timely manner and why based on that good cause the late fees should be waived.
  - The staff makes recommendations to the Board using guidelines based on the candidate's level of activity, his history of timeliness and the reason for the late filing. A request for a waiver should include documentation to support the basis for the request.
- A candidate has 20 days from receipt of a late fee to appeal the assessment of the late fee to the Ethics Adjudicatory Board (EAB). The appeal should be based on why a late fee should not be assessed.

# ENFORCEMENT

After the appeal and waiver delays have expired, the order is a final judgment.

**JUDGMENT**

## COLLECTION OF THE JUDGMENT

Once there has been a final Judgment in connection with the payment of the late fines, the matter is then transferred to the **Attorney General's Collection Division** for collection.

## OBJECTION TO CANDIDACY

La. R.S. 18:492 and 18:463 provide that the Board may object to the candidacy of a person who, upon qualifying for elected office, erroneously certifies that he does not have any outstanding **late fees** pursuant to the *Campaign Finance Disclosure Act* or the *Code of Governmental Ethics*.

# HOW DO I GET MORE INFORMATION?

- Ethics Website:  
[ethics.la.gov](http://ethics.la.gov)
- Informal Advice:  
(225) 219-5600  
or  
(800) 842-6630

