2021 Regular Legislative Session - Enacted Legislation

Legislation	Author	Summary of Legislation	Law	Board Position	Status	Recommendation
House						
HB113	Gadberry	Provides an exception to allow the spouse of a public servant to continue their employment with a person that has/seeking to have a contractual, business or financial relationship with the public servant's agency, provide certain criteria are met and disclosures are made.	42:1111C(5)	No position as amended	Act 272 Effective date: June 15, 2021	Staff has proposed a rule to accommodate filing requirements. Create a form to facilitate disclosure requirements in compliance with the proposed rule.
HB 176	Thompson	1. Changes "shall" to "may" with respect to the assessment of PFD late fees. 2. Reduces the late fee for Tier 3 filers from $50 to $25 per day, with a maximum of $500.	42:1124.4A(3), B(2) & C; 42:1157A	Supported	Act 177 Effective date: June 11, 2021	Change were made to notices of delinquency/late fee orders for Tier 3. Changes were made to information/FAQs for Tier 3 forms. None of these changes require any further action by the Board.
HB 306	Muscarello	Provides an exception to allow an immediate family member of a local school board members to be employed as a certified school bus driver. R.S. 17:491, et seq. discusses the certification.	42:1119B(2)	Opposed	Act 199 Effective date: June 11, 2021	Staff proposes changes to rule regarding disclosure requirements, as well as other exceptions that may apply. Change school board disclosure form to comply with proposed rule.

2021 Regular Legislative Session - Enacted Legislation

Legislation	Author	Summary of Legislation	Law	Board Position	Status	Recommendation
HB 491	Gadberry	Expands an excpetion to allow members of a governing authority, appointed members of planning/zoning/appeals board or commission, their immediate family members or legal entities in which they have an interest from applying to subdivide/resubdivide property. Allows for variances to such applications.	42:1123(34)	Opposed	Act 340 Effective date: August 1, 2021	Staff proposes changes to rules regarding disclosure requirements. Change form to comply with proposed rule.
HB 581	Johnson and Stefanski	Makes the following changes to the Election Code and the CFDA: 1. Allows Ethics to receive email addresses of candidates; and provides that Special reports shall be filed within 2 business days of the transaction, rather than 48 hours.	18:154 (p.3 of bill); R.S. 18:1491.6C(3) and 18:1495.4C(3)(p. 15-16 of bill)	Supported	Act 381 Effective date: June 17, 2021	Necessitates changes to summaries/forms/FAQs/ schedules about the change for Special report filing. Changes to the summaries/forms/FAQs need to be submitted to oversight committees for approval.
HCR 88	Lacombe	Urges and request that the Supreme Court take action to allow legislators to received CLE legal ethics credit for taking the ethics training.			Sent to the Secretary of State	
Senate						
SB 4	Price	Repeals the aggregate contribution limit that candidates can receive from political committees	R.S. 18:1505.2H(7)	Opposed	Act 428 Effective August 1, 2021	Necessitates changes to the FAQ/information sheets/schedules. Changes to the summaries/FAQs need to be submitted to oversight committees for approval.
SB 203	White	Allows a member of a groundwater commission to be employed by their nominating entity.	R.S. 42:1123	Opposed	Sent to Governor on June 1, 2021. Vetoed.	

Act 272 of the 2021 Regular Legislative Session allows a public servant's spouse to maintain their employment with a person that has a contractual, business or financial relationship with the public servant's agency, provided the following are met:

1. The spouse is a salaried or wage-earning employee of the person

2. The spouse has been continuously employed by the person for at least 1 year prior to the date employment is initially prohibited.

3. The spouse's compensation is unaffected by the relationship between their employer and the public servant's agency.

4. Neither the public servant nor the spouse are an owner, officer, director, trustee, or partner in the legal entity that has or is seeking to have a relationship with the public servant's agency

5. The public servant shall not participation in matters involving the spouse's employer

6. The public servant and their spouse file a joint disclosure with the Board of Ethics within 10 business days

Act requires that disclosure contain

1. Brief description of the nature of the of the contractual, business, or financial relationship with the public servant's agency,

2. Date of spouse's employment

3. Other information required by the Board

Suggested rule regarding the contents of the disclosure

1. Name and mailing address of public servant and their spouse.

2. Position held by the public servant and the name of their governmental entity.

3. Name and mailing address of spouse's employer.

4. Date of spouse's employment

5. Date public servant began his of public service

5. Brief description of the nature of the contractual, business, or financial relationship with the public servant's agency

6. Start date of relationship between spouse's employer and public servant's governmental entity

7. Certification that

    a. Spouse is a salaried or wage earning employee;

b. Spouse's compensation is substantially unaffected by a contractual or other business or financial relationship with the public servant's agency;

c. Neither the public servant nor the spouse are an owner, officer, director, trustee, or partner in the legal entity that has or is seeking to have the relationship with the public servant's agency;

d. Public Servant will recuse or disqualify himself from participation in the transaction in accordance with R.S. 42:1112; and,

e. Spouse will comply with the disclosure requirements in R.S. 42:1114.

8. Signature by public servant and spouse certifying that the information contained in the form is true and correct to the best of their knowledge, information and belief.

9. Date of signature

Act 199 – change to rules

§1309. Disclosure Forms Filed Pursuant to R.S. 42:1119(B)(2) of the Code

A. Disclosure forms filed pursuant to R.S. 42:1119(B)(2)(a) of the code shall:

1. be on a form approved by the board or a form which is substantially the same as the form approved by the board;

2. be filed no later than 30 days after the beginning of the school year;

3. be signed by the school board member or superintendent and contain:

a. the name, address, and position of the school board member or superintendent;

b. the name, relationship, and position of the immediate family member and the date of the family member's employment;

c. the parish in which the school board member or superintendent serves and the date of the commencement of such service; and

d. which of the following exceptions applies to the immediate family member:

i. classroom teacher certified to teach;

ii. employed by school board for more than one year prior to the school board member, or charter school board member or the superintendent becoming a member of the school board or the superintendent; or

iii. served in public employment on April 1, 1980, the effective date of the code.;

iiii. certified school bus operator;

iv. brother/sister-in-law employed before August 15,1999.

Chapter 20. Exemption Pursuant to the Provisions of Section 1123(34)

§2001. Application

A. A member of a municipal or parish governing authority ~~in a parish or municipality with a population of 25,000 of less (according to the most recently published decennial census)~~, an appointed meme of a planning or zoning or appeals board or commission of a parish or municipality, or a member of such ~~elected official~~public servant's immediate family or a legal entity ~~in which he~~ they ~~has~~ have ~~a controlling~~ an interest may make an application which is under the supervision or jurisdiction of his agency for the approval of the subdivision or resubdivision of property, and for the zoning of such property or for a building permit and any inspections performed pursuant thereto, provided the ~~elected official~~public servant recuses himself from acting in his official governmental capacity in matters concerning such application, and provides the written notice as required in §2003 is filed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).
HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2686 (December 2004).

§2003. Reporting Requirements

A. Written notices filed pursuant to R.S. 42:1123(34) of the Code shall:

1. be filed with the board and with the ~~elected official~~public servant's governing authority or board or commission no later than 10 days prior to any hearing pertaining to such application or if no hearing is held at least 10 days prior to final action on such application; and

2. be in writing, on a form provided by the board or a form which is substantially similar to the form provided by the board, and shall contain the following;

a. name, address, and the office held by the ~~elected official~~public servant;

b. name and address, and relation to ~~elected official~~public servant, if the applicant if a member of the ~~elected official~~public servant's immediate family;

c. name and business address of the legal entity, if applicable;

d. name ~~and population~~ of municipality or parish;

e. description of the application being made;

f. date of hearing or final action regarding such application;

g. statement that:

i. the zoning of such subdivided property will not be less restrictive than the zoning of the original parcel;

~~ii. no variance or special exemption from any planning or zoning regulation or requirement or any building code or permit will be requested or granted;~~

iii. the property will be used for residential purposes only;

~~iv~~iii. application for the subdivision, resubdivision, or zoning of no more than 12 lots per calendar year and the construction of no more than 12 residential units per calendar year by the elected official, his immediate family members and any legal entity in which they own a controlling interest has been submitted; and

iv. no public funds will be used to construct any infrastructure for the use or benefit of such property;

h. signed certificate of accuracy that the information in the form is true and correct to the best of the public servant's knowledge, information, and belief and that no information required by R.S. 42:1123(34) has been deliberately omitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).
HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2686 (December 2004).

Chapter 21. Executive Branch Lobbyist Disclosure Act

§2101. In General

A. The Executive Branch Lobbyist Disclosure Act provides that the board shall administer and enforce the provisions of R.S. 49:71 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).
HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 31:1228 (June 2005).

§2103. Registration and Reporting Forms

A. The staff shall prepare and provide, upon request, forms for the registration and reporting of executive branch lobbyists. Forms may be provided on paper or in electronic format.

B. No registration, report or designation filed by a lobbyist or other person will be dated and filed with the board unless the registration, report or designation is on the form promulgated by the board in this Chapter.

C. If the form is electronically filed, the method of signature shall be as provided in §1803.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).
HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 31:1228 (June 2005).

§2105. Registration and Reporting; Dating, Numbering and Filing

A. The staff shall establish a procedure for the dating, indexing, and filing of all lobbyist registrations, lobbyist disclosure reports, designations, and employer/principal disclosure reports received by the board.

B. The method of determining the date of filing shall be as provided in R.S. 42:1157.1.

LOUISIANA BOARD OF ETHICS
ETHICS ADMINISTRATION PROGRAM

SUMMARY OF THE LOUISIANA CAMPAIGN FINANCE DISCLOSURE ACT

I. Introduction to the Campaign Finance Disclosure Act (CFDA)

A. Purpose (R.S. 18:1482)
   1. Provide public disclosure of the financing of election campaigns
   2. Regulate certain campaign practices
   3. Insure a knowledgeable electorate
   4. Promote confidence in elected officials

B. Administration (R.S. 18:1511.1 et seq.)
   1. Supervisory Committee on Campaign Finance Disclosure
      a. prepares and distributes forms (reports must be submitted on these forms, on forms specifically authorized by the Supervisory Committee, or electronically)
      b. receives reports and makes them available to the public ($.25 per page for copies or access through the Board's website at www.ethics.la.gov)
      c. enforces Campaign Finance Disclosure Act (CFDA)
      d. issues advisory opinions interpreting the CFDA

II. Persons Required to File Disclosure Reports (R.S. 18:1484 and 1486)

A. Candidates for "Major" or "District" offices. (Terms are defined on page 2)

B. **Each Candidate for "Any Other" public office who:**
   1. makes expenditures in excess of $2,500; or,
   2. receives contributions from a single source; other than from the candidate's personal funds, totaling in excess of $200.

C. All political committees. A $100 filing fee must be paid by political committees each year when they submit a Statement of Organization. PACs file reports on the same schedule as the candidates they support or oppose or on a monthly basis.

D. Any person who makes independent expenditures in excess of $500. (R.S. 18:1501.1)

E. Any person, other than a candidate or political committee, who solicits or receives any contribution or makes any expenditure in support of, or opposition to, a **proposition** or question submitted to the voters if the aggregate amount of contributions or expenditures equals or exceeds $1,000. Any Candidate or political committee who solicits or receives any contribution or makes any expenditure in support of, or opposition to, a **proposition** or question submitted to the voters if the aggregate amount of contributions or expenditures equals or exceeds $200. (R.S. 18:1486)
   Note: The use of public funds to urge a voter to vote for or against a candidate or proposition is prohibited. Public funds may be used to disseminate factual information relative to a proposition. (R.S. 18:1465)

F. Any person who files a petition to be used to seek the **recall** of any public officer and who collects contributions or makes expenditures in the aggregate in excess of $200.

III. Key Definitions (R.S. 18:1483)

A. **"Candidate"** Person who seeks nomination or election to public office (except national offices and political party offices). A person is a candidate when: (1) he receives a contribution or makes an expenditure, or 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 (2) he qualifies for office.

B. **"Contribution"** and **"Expenditure"** definitions hinge on supporting, opposing, or otherwise influencing the nomination or election of a person to a public office, or supporting or opposing a proposition or question submitted to the voters or a recall. "In-Kind" contributions or expenditures involve the use of something of value other than money when value exceeds $25.

C. **"Political Committee"** means two or more persons, other than a husband and wife, and any corporation organized for the primary purpose of supporting or opposing one or more candidates, political parties, propositions or recall efforts, which has financial activity in excess of $500 within a calendar year in the name of the committee. It also includes any corporation or group that accepts payments for personal services related to an election or campaign in excess of $500 during a calendar year unless it has been permitted or licensed to provide that type of service and has been regularly doing so in the area at least 90 days prior to the services being rendered.

D. Types of Offices (Classifications are based on 2010 census figures.)
   1. **"Major Office"**
      a. offices elected statewide
      b. Public Service Commissioner, Supreme Court Justice, Court of Appeal Judges, BESE, and district court judges elected parishwide in Orleans
      c. any office with an election district containing a population in excess of 250,000, including offices elected parishwide in Caddo, East Baton Rouge, Jefferson and Orleans.
   2. **"District Office"**
      a. office of a member of the Louisiana Legislature
      b. offices elected parishwide (except in Caddo, East Baton Rouge, Jefferson and Orleans)
      c. offices elected in more than one parish (unless the population exceeds 250,000)
      d. offices elected in a district with a population in excess of 35,000, but less than 250,000, including offices elected citywide in the cities of Alexandria, Bossier City, Kenner, Lafayette, Lake Charles, Marrero, Metairie, Monroe and Shreveport, and offices elected in East Baton Rouge that are not parishwide.
      e. district court judgeships (except those in Orleans Parish); family court; juvenile; and, city court judgeships; city court marshals and city court constables.
      f. other than major offices, offices elected in a city or parish election in a parish with a municipality with a population of 300,000 or more (Orleans Parish).
      g. 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).
   3. **"Any Other Office"** means offices not considered major or district, i.e., offices elected in a district having a population of 35,000 or less and not elected parishwide.

E. **"Person"** means any individual, partnership, association, labor union, political committee, corporation, limited liability company or other legal entity, including their subsidiaries.

IV. Recordkeeping and Reporting (R.S. 18:1491.4, 18:1491.5 and 18:1491.7)

A. Records of receipts and disbursements must be kept by the candidate or his committee and maintained for two years after the final report is filed. Records of PACs and persons supporting propositions must be maintained for six years.

B. Candidates/committees must designate a bank or savings and loan or a money market mutual fund as a campaign depository. All receipts must be deposited into an account maintained at the depository and all expenditures (except for petty cash) should be by check drawn on the account. The memo line of the check should indicate the objects or services for which it is drawn.

Petty Cash Exception: A petty cash fund may be maintained. No expenditure in excess of $100 may be made from the fund and no expenditure shall be made from the petty cash fund for any personal services, except tips for serving food and drink. A complete record shall be kept of all expenditures made from a petty cash fund and a receipt shall be kept in any case in which a receipt would be provided in the usual course of business. Petty cash expenditures must be itemized as all other expenditures on the disclosure forms.

C. Records are required to be kept of every contribution, including the sale of tickets to testimonials or other fundraising events. The date, amount, and name and address of the contributor must be recorded and reported. Candidates have 10 days after the receipt of a contribution to decide whether that contribution will be accepted and deposited. This 10 day period does not apply during the 20 day period immediately preceding the election day when special reports are due.

Exception: Records are not required to be kept of the name and addresses of individual purchasers of campaign paraphernalia and raffle tickets for $25 or less. The total amount received and deposited from campaign paraphernalia and raffle ticket sales must be reported. Paraphernalia and raffle ticket sales are still contributions and successive single sales may not be used to avoid the recordkeeping requirements.

D. Cash contributions are subject to a $100 per person limit during the calendar year. The cash contributor must be given a receipt containing the name, address and signature of the contributor. The candidate must keep a copy of the receipt.

E. Records are required to be kept of every expenditure, including those made by a public relations firm, advertising agency or agent. The date, amount and name and address of the recipient must be recorded and reported. The public relations firm, advertising agency or agent must collect the information required to complete the candidate's report and furnish it on a timely basis. The public relations firm, advertising agency or agent is prohibited from accepting payment from a third party to place an advertisement which purports to be paid for by a candidate or his committee.

F. Each person who makes an expenditure for the purpose of canvassing shall submit in writing to the candidate or political committee on whose behalf the expenditure was made the name, address and last four digits of the social security number of the canvasser.

G. Every transaction involving receipts or disbursements must be reported, regardless of amount.

H. A political committee is required to clearly indicate that its contribution to a candidate or a candidate's committee is from a political committee either by a designation on the check or by a separate notification attached to the contribution.

V. Reporting Deadlines (R.S. 18:1491.6 or 1495.4)

Note: A specific reporting schedule is available for each election. Reports are filed when received, when postmarked or receipted on a return receipt request if sent by United States Mail, when received electronically, or when deposited for delivery with a commercial delivery service as indicated on a receipt.

Political committees that receive contributions in excess of $50,000 or make expenditures in excess of $50,000 in a calendar year, other than a political committee of a recognized political party, must electronically file disclosure reports.

All candidates for a major or district level office are required to electronically file campaign finance disclosure reports. Electronic filing for other candidates is voluntary.

The L.E.A.D.E.R.S. program, which should be used for electronic filing, can be accessed from the Board's website, www.ethics.la.gov. To begin filing electronically, a password and identification number must be applied for at least five business days prior to a reporting deadline.

A. ANNUAL REPORTS are filed for each candidate/committee no later than February 15 of each year and are complete as of the preceding December 31. The reports are used when a candidate begins participating in an election set for a future calendar year.
Exceptions: An annual report is not due (1) if another required report was filed any time after the preceding December 10 and prior to the February 15 due date, or (2) if the candidate/committee has received no contributions, made no expenditures, and received or made no loans during the reporting period.

B. 180 DAYS PRIOR TO THE PRIMARY ELECTION (180-P) Filed only by **major** office candidates and their committees

C. 90 DAYS PRIOR TO THE PRIMARY ELECTION (90-P) Filed only by **major** office candidates and their committees

D. 30 DAYS PRIOR TO THE PRIMARY ELECTION (30-P)

E. 10 DAYS PRIOR TO THE PRIMARY ELECTION (10-P)

F. ELECTION DAY EXPENDITURES (EDE-P) REPORT – TO BE FILED ONLY IF EXPENDITURES MADE ARE SUBJECT TO THE REPORTING REQUIREMENT
   1. due 10 days after the primary election.
   2. name and address of all election day workers must be reported, as well as expenditures for election day advertisements and expenditures on automated calling that are performed, or

broadcasted or published on election day.

G. 10 DAYS PRIOR TO THE GENERAL ELECTION (10-G)
   1. filed by all candidates and committees participating in the primary election
   2. last report required for candidates with no outstanding debts or loans and not participating in general election or committees not participating in general election

H. ELECTION DAY EXPENDITURES (EDE-G) REPORT
   1. due 10 days after the general election
   2. name and address of all election day workers must be reported as well as expenditure for election day advertisements

I. 40 DAYS AFTER THE GENERAL ELECTION (40-G)
   1. filed only by candidates and committees participating in the general election
   2. last report required if there are no outstanding debts or loans or surplus

J. AFFIDAVITS IN LIEU OF REPORTS
   1. Candidates for major or district offices, and committees supporting such candidates, who do not spend over $5,000 and do not receive contributions from one source, including the use of the candidate's personal funds, totaling in excess of $200, may file an affidavit in lieu of each report required above.
   2. A separate affidavit is required for each report and once a candidate exceeds either of the threshold amounts he may not return to filing affidavits for that election. Candidates for "any other offices" may never file an affidavit.

K. SPECIAL REPORTS are required during the 20 day period immediately preceding an election **if**:
   1. a contribution or loan in excess of $1,000 for major office candidates or $500 for district office candidates, or $250 for any other office candidates is received and accepted during the 20 day period, **or**
   2. an expenditure in excess of $200 is made during the 20 day period to a candidate, committee or other person required to file disclosure reports who makes endorsements.

   Note: Special Reports must be filed within 2 business days of the transaction.

L. SUPPLEMENTAL REPORTS are required to be filed annually by February 15, complete through the preceding December 31, if the last report of a candidate for an election shows outstanding debts or loans or surplus funds. Exception: A supplemental report need not be filed if the candidate is not elected to any office and shows outstanding debts and loans or a surplus totaling less than $2,500.

M. WITHDRAWN AND UNOPPOSED CANDIDATES: The final report of a candidate who withdraws or is unopposed is the next report due after the date that the candidate officially withdraws from the election, through the Secretary of State, or becomes unopposed.

N. PROPOSITION ELECTIONS: Reports are required 30 days prior to the election, 10 days prior to the election and 40 days after the election. Special reports are required for any contribution or expenditure in excess of $200 during the 20 day period immediately preceding the election.

O. RECALL ELECTIONS: A statement of organization is required within 3 days of the filing of the

recall petition. Reports are due 45 days, 135 days, and 200 days after the filing of the recall petition. If the recall effort is successful, the rules for proposition elections then apply.

VI. Contribution Limits (R.S. 18:1505.2 H, K)

A. Contributions, in-kind contributions, loans, endorsements or guarantees on loans and transfers of funds are all counted towards the contribution limits.

B. Exceptions:
   1. A candidate's personal funds are not subject to the limits.
   2. Loans obtained by the candidate made in the ordinary course of business, on a basis which assures repayment, at the usual and customary interest rate from a state bank, a federally chartered depository institution, a depository institution with insured accounts, a licensed lender or an insurance company do not count towards the limits. However, a loan from such an institution shall be considered a "loan" by each endorser or guarantor in the proportion of their liability, and the endorsement or guarantee is subject to the contribution limit.

The contribution limits are detailed in the following chart:

	To a major office candidate or candidate committee per election[1]	To a district office candidate or candidate committee per election[1]	To an any other office candidate or candidate committee per election[1]	To a PAC between 1/1/19 and 12/31/22
Individual may give[2]	$5,000	$2,500	$1,000	$100,000[7]
Family Member of Candidate may give	$5,000	$2,500	$1,000	$100,000[7]
Legal Entity may give[3]	$5,000	$2,500	$1,000	$100,000[7]
PAC may give	$5,000	$2,500	$1,000	$5,000/2,500/1,000[5] ($100,000 Party PAC's[6])
Big PAC [4] may give	$10,000	$5,000	$2,000	$10,000/5,000/2,000[5] ($100,000 Party PAC's[6])
Democratic or Republican Party or committees may give	no limits	no limits	no limits	no limits

[1] The primary and general elections are considered as two separate elections. A candidate may accept contributions for the general election only if he is in the general election and only after the primary election.
[2] A husband and wife may each make contributions to the same candidate up to the limit. However, separate checks should be used. If a single check is signed by one spouse, the other must provide an affidavit as to their intent to share in the contribution.
[3] Includes legal entities owned wholly or partially by candidates, except Internal Revenue Code Sub-chapter S corporations and limited liability companies wholly owned by the candidate. Parent corporations and their subsidiaries are subject to a single limit. A corporation is a parent if it owns 50% of another corporation.
[4] A PAC with over 250 members who contributed over $50 to the PAC during the preceding calendar year and has been certified by the Ethics Administration as meeting that membership requirement.
[5] The applicable limit is determined by the level of office sought by the candidates supported/opposed by the recipient PAC, e.g., a contribution by a PAC to another PAC supporting only major office candidates is subject to the $5,000 limit (or the $10,000 limit if the contributor is a Big PAC). If the PAC receiving the contribution supports candidates for more than one type of office, then the highest limits shall apply. See website www.ethics.la.gov for additional information.
[6] Contributions made by a political committee to a recognized political party or any committee thereof is $100,000.
[7] In *The Fund for Louisiana's Future v. Louisiana Board of Ethics*, et al., USDC, Eastern District of Louisiana No. 14-0368 (May 2, 2014), the Court concluded that the limit did not apply to contributions received by an independent expenditure-only political committee.

VII. Maintenance of records (R.S. 18:1495.3(B)(2))

A record must be kept for every transaction, including the sale of tickets to fundraising events. The sale of a ticket to a fundraising event is reported as a contribution. Exception: In the case of a single transaction involving the sale of campaign paraphernalia and raffle tickets for $25 or less, no record need be kept except the total amount received and deposited and the fact that such amount was received from such sale. Successive sales cannot be done to avoid the reporting requirements. Campaign paraphernalia includes campaign pins, buttons, badges, flags, emblems, hats, shirts, banners, literature and similar items (R.S. 18:1483(6)(b)(iii)). (Campaign paraphernalia does not include the sale of dinners; those sales need to be reported as contributions.)

VIII. Prohibited Practices (R.S. 18:1505.2)

A. Failure to file or failure to timely file a required report. Automatic penalties of at least $100, $60 or $40 per day for "Major," "District," and "Any Other" office, respectively, will be assessed for late reports.
NOTE: Unpaid campaign finance fines, fees or penalties may have an adverse effect on a candidate's ability to run for public office in the future, as the Board of Ethics will object to the candidacy of a person who has an outstanding fine, fee or penalty equal to or in excess of $250 assessed for a violation of the Campaign Finance Disclosure Act for which all appeals have been exhausted. Also a candidate or a candidate's committee which owes outstanding fines or late fees may not expend campaign contributions until all such fines are paid.

B. Making contributions or loans through or in the **name of another**.

C. Using funds from an **anonymous** source. Anonymous contributions must be transmitted to the State.

D. Making or receiving **cash** contributions in excess of $100 in a calendar year per source. Any cash contribution must be evidenced by a receipt containing the name, address and signature (or mark) of the contributor.

E. Making or receiving payments, including reimbursements of costs, for the **transportation** of any voter to a polling place or for absentee voting unless the payment is to a licensed bus, taxi, or

transportation service. (R.S. 18:1531) Medical transportation services do not qualify to receive payments for transporting voters.

F. Making expenditures in excess of $100 from a petty cash fund or making cash payments for personal services, except for tips for serving food or drink.

G. Contributions or expenditures made by a **corporation**, labor organization, or trade, business, or professional association unless specifically authorized by either (1) a vote of the board of directors or executive board, or (2) any person whom the board has specifically empowered to authorize such contributions or expenditures, or (3) a vote of the membership of the labor organization. Cash contributions in any amount by a corporation, labor organization, or trade, business or professional organization are prohibited.

H. Financial activity over $500 in a calendar year by a political committee that has failed to file a statement of organization and contributions by a candidate to any political committee which should have filed a statement of organization but failed to do so. Committees that have filed statements of organization are issued certificates of registration by the Supervisory Committee on an annual basis.

I. Campaign funds may not be used for any personal use unrelated to a political campaign or the holding of public office. Campaign funds may not be used to pay a fine for penalties imposed pursuant to the Code of Governmental Ethics. Also, campaign funds may not be used to purchase immovable property or a motor vehicle. The expenditure disclosed on the campaign finance report should fully disclose the purpose of the expenditure as it relates to the campaign or holding of public office. **Excess funds** may be: (1) returned to contributors on a pro rata basis, (2) given as an IRS approved charitable donation, (3) expended in support of or opposition to another candidate, a proposition, or a political party, or (4) maintained for future campaigns.

J. Only the candidate assessed a campaign finance fine can pay the fine using funds of the campaign or his personal funds (Third parties cannot pay campaign finance fines or penalties.). The Supervisory Committee may prohibit the use of campaign funds to pay fines or penalties for intentional or egregious violations of the Campaign Finance Disclosure Act. Also, campaign funds cannot be used to pay for fines or penalties of the Code of Governmental Ethics.

K. Coercing or attempting to coerce a person to make or withhold a contribution or affecting an individual's employment based on a contribution or the failure to make a contribution.

L. A candidate's immediate family member may not be paid for services provided to that candidate's campaign unless it is to a business in which an immediate family member has any ownership interest and (1) is a bona fide business that has been doing business regularly in the state for at least 12 months providing goods/services related to the payment/expenditure and, at the time payment/expenditure is made (a) has been registered and in good standing with the secretary of state for at least 12 months and provides goods or services related to the payment or expenditure or (b) held an occupational license for at least 12 months that was duly issued by the appropriate local governmental subdivision; (2) the payment or expenditure is made solely for campaign purposes; and, (3) the payment or expenditure is made through an arm's length transaction in which the value of the goods or services furnished is commensurate with the consideration provided. "Immediate family member" is a candidate's children, his brothers and their spouses, his

sisters and their spouses, his parents, his spouse, and the parents of his spouse.

M. Persons substantially interested in the gaming industry* are prohibited from making contributions and loans to candidates and political committees that support or oppose candidates. Prohibited sources* include:

(1) any person who, pursuant to the Louisiana Riverboat Economic Development and Gaming Control Act, holds a license to conduct gaming activities on a riverboat, holds a license or permit as a distributor, supplier, or manufacturer of gaming devices or equipment including slot machines, or owns a riverboat,

(2) any person who, pursuant to the Louisiana Economic Development and Gaming Corporation Act, holds a license or entered into a contract to conduct casino gaming activities, holds a license or permit as a distributor or manufacturer of gaming devices or equipment including slot machines, or owns a casino where gaming operations are licensed,

(3) any person who has a direct or indirect "interest" in any legal entity included in (1) & (2) ("Interest" means ownership by an individual or spouse, individually or collectively, of more than 10% of any legal entity. An indirect interest is ownership through any number of layers of legal entities when 25% or more of each legal entity is owned by the legal entity ownership beneath it),

(4) any holding, intermediary, or subsidiary company of any person in (1) & (2) and any officer, director, trustee or partner thereof,

(5) any officer, director, trustee, partner, or senior management level employee or key employee (as defined in R.S. 4:605(19)) of any person included in (1) - (4),

(6) any person subject to provisions of R.S. 4:523C(4), 626C(4), or 661D, and

(7) the spouse of any person included in (1) - (6).

* These rules do not prohibit a candidate from using personal funds for his own campaign.

Penalties for Violations:

(1) Upon notification of the Supervisory Committee candidates or committees who accept illegal gaming contributions must pay those contributions over to the state within 10 days of the notification.

(2) Contributors violating this ban are subject to civil penalties of up to $10,000, criminal penalties, and will be rendered unsuitable to hold the license which made the contributor subject to the ban.

Note: This outline was produced by the Louisiana Ethics Administration Program, Post Office Box 4368, Baton Rouge, LA 70821; 225-219-5600; www.ethics.la.gov. It is intended as a summary of reporting requirements. It does not purport to fully state the law. For further information, reporting forms, and schedules of reporting and filing dates for particular elections, please refer to the CFDA at LSA-R.S. 18:1481 et seq.

Rev. 8/2021

LOUISIANA BOARD OF ETHICS
ETHICS ADMINISTRATION PROGRAM

Summary of the Louisiana Campaign Finance Disclosure Act for PACs

I. Introduction to the Campaign Finance Disclosure Act (CFDA)

A. Purpose (R.S. 18:1482)
   1. Provide public disclosure of the financing of election campaigns
   2. Regulate certain campaign practices
   3. Insure a knowledgeable electorate
   4. Promote confidence in elected officials

B. Administration (R.S. 18:1511.1 et seq.)
   1. Supervisory Committee on Campaign Finance Disclosure
      a. prepares and distributes forms (reports must be submitted on these forms, on forms specifically authorized by the Supervisory Committee, or electronically)
      b. receives reports and makes them available to the public ($.25 per page for copies or access through the Board's website at www.ethics.la.gov)
      c. enforces Campaign Finance Disclosure Act (CFDA)
      d. issues advisory opinions interpreting the CFDA

II. Political Committee Registration Requirements (R.S. 18:1491.1)

A. R.S. 18:1483(14) defines **"Political Committee"** as two or more persons, other than a husband and wife, and any corporation organized for the primary purpose of supporting or opposing one or more candidates, political parties, propositions, or recall efforts which has financial activity in excess of $500 within a calendar year in the name of the committee. It also includes any corporation or group that accepts payments for personal services related to an election or campaign in excess of $500 during a calendar year unless it has been permitted or licensed to provide that type of service and has been regularly doing so in the area at least 90 days prior to the services being rendered. **"PAC"** is a term of art used to refer to political committees supporting or opposing multiple candidates or issues.

B. A PAC must **register** for each calendar year that it will have financial activity in excess of $500 by filing a **statement of organization**. The statement of organization should be filed between **January 1 and January 31**.

C. A PAC which organizes after January 31 or discovers after January 31 that its financial activity for the year will exceed $500 must file a statement of organization **within 10 days** of that date. **Exception:** A PAC organized within 10 days prior to an election must file a statement of organization **within 3 days**.

D. The **statement of organization** must be submitted on a form provided by the Supervisory Committee. The statement must contain the name and address of the committee as well as those of its officers and directors, the estimated membership of the committee, and the names and addresses of any banks or

savings and loans in which the committee has deposited funds. The names and addresses and relationships of any "affiliated organizations" must also be listed. The chairman and treasurer of the PAC must sign the statement. A check for **$100** drawn on the PAC account and payable to "Campaign Finance" must accompany the statement of organization.

E. A PAC **with over 250 members** who contributed **at least $50** to the PAC during the preceding calendar year may complete the certification of membership on the statement of organization form. A PAC which meets this certification may make greater contributions to candidates.

F. Any changes that occur to the information submitted on a statement of organization should be reported by filing an **amended** statement of organization within 10 days of the change. No additional filing fee is required for an amended statement of organization.

G. A **Certificate of Registration** is issued to all properly registered PACs.

H. **Out-of-State PAC Rule**: An entity that (1) supports candidates in states other than Louisiana, (2) receives less than 50% of its receipts during a calendar year from persons in Louisiana, and (3) expends less than 50% of its disbursements during a calendar year, but not more than $20,000, to support or oppose Louisiana candidates is exempted from registering and reporting in Louisiana.

III. Persons Required to File Disclosure Reports (R.S. 18:1484 and 1486)

A. All political committees.

B. Candidates for "Major" or "District" offices. **(Terms are defined on page 3.)**

C. **Each candidate for "Any Other" public office who makes expenditures in excess of $2,500 or receives contributions from a single source totaling in excess of $200.**

D. Any person who makes independent expenditures in excess of $500. (R.S.18:1501.1)

E. Any person, other than a candidate or political committee, who solicits or receives any contribution or makes any expenditure in support of, or opposition to, a **proposition** or question submitted to the voters if the aggregate amount of contributions or expenditures equals or exceeds $1,000. Any Candidate or political committee who solicits or receives any contribution or makes any expenditure in support of, or opposition to, a **proposition** or question submitted to the voters if the aggregate amount of contributions or expenditures equals or exceeds $200. (R.S. 18:1486)

Note: The use of public funds to urge a voter to vote for or against a candidate or proposition is prohibited. Public funds may be used to disseminate factual information relative to a proposition. (R.S. 18:1465)

F. Any person who files a petition to be used to seek the recall of any public officer and who collects contributions or makes expenditures in the aggregate in excess of $200.

IV. Key Definitions (R.S. 18:1483)

A. **"Affiliated organization"**means any organization which is not a political committee but which directly or indirectly establishes, administers, or financially supports a political committee.

B. **"Candidate"** is a person who seeks nomination or election to public office (except national offices and political party offices). A person is a candidate when: (1) he receives a contribution or makes an expenditure, or 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 (2) he qualifies for office.

C. **"Contribution" and "Expenditure"** definitions hinge on supporting, opposing, or otherwise influencing the nomination or election of a person to a public office, or supporting or opposing a proposition or question submitted to the voters or a recall. "In-Kind" contributions or expenditures involve the use of something of value other than money when the value exceeds $25.

D. Types of Offices (Classifications are based on 2010 census figures.)

1. **"Major Office"**
   a. offices elected statewide
   b. Public Service Commissioner, Supreme Court Justice, Court of Appeal Judges, BESE, and district court judges elected parishwide in Orleans
   c. any office with an election district containing a population in excess of 250,000, including offices elected parishwide in Caddo, East Baton Rouge, Jefferson and Orleans.

2. **"District Office"**
   a. office of a member of the Louisiana Legislature
   b. offices elected parishwide (except in Caddo, East Baton Rouge, Jefferson and Orleans)
   c. offices elected in more than one parish (unless the population exceeds 250,000)
   d. offices elected in a district with a population in excess of 35,000, but less than 250,000, including offices elected citywide in the cities of Alexandria, Bossier City, Kenner, Lafayette, Lake Charles, Marrero, Metairie, Monroe and Shreveport, and offices elected in East Baton Rouge that are not parishwide.
   e. district court judgeships (except those in Orleans Parish); family court; juvenile; and, city court judgeships; city court marshals and city court constables.
   f. other than major office, offices elected in a city or parish election in a parish with a municipality with a population of 300,000 or more (Orleans Parish).
   g. 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).

3. **"Any Other Office"** means offices not considered major or district, i.e., offices elected in a district having a population of 35,000 or less and not elected parishwide.

E. **"Aggregating period"** for a PAC is one calendar year. For a person supporting a proposition, the period is from the date on which the written notice of the proposition was filed with the Secretary of State through the day of the election.

F. **"Person"** means any individual, partnership, association, labor union, political committee,

corporation, or other legal entity, including their subsidiaries.

V. Committee Officers (R.S. 18:1491.4)

A. Each PAC must have a chairman. The chairman also serves as treasurer unless a treasurer is appointed. One or more deputy treasurers may also be appointed.

B. Contributions may be solicited for or on behalf of the PAC by any person, provided that the contributions and information necessary to complete the PAC's disclosure report are transmitted directly to the chairman, treasurer, or deputy treasurer of the PAC.

C. When an expenditure is made by a person other than the committee treasurer, the information about the expenditure should be transmitted directly to the treasurer.

D. Violations of the Campaign Finance Disclosure Act by a PAC can subject the chairman and treasurer of the PAC to civil penalties of up to $10,000.

VI. Recordkeeping and Reporting (R.S. 18:1491.4, 18:1491.5 and 18:1491.7)

A. Records of receipts and disbursements of PACs and persons supporting or opposing propositions or recalls must be maintained by the treasurer for six years.

B. The chairman of the PAC must designate one or more **banks or savings and loans or money market funds** as a depository for committee funds. All receipts must be deposited into an account maintained at the depository and all expenditures (except for petty cash) should be by check drawn on the account. The memo line of the check should indicate the objects or services for which it is drawn.

Petty Cash Exception: A petty cash fund may be maintained. Expenditures may be made in cash from the fund and the fund shall, from time to time, be restored to its original amount. No expenditure in excess of $100 may be made from the fund and no expenditure shall be made from the petty cash fund for any personal services, except tips for serving food and drink. A complete record shall be kept of all expenditures made from a petty cash fund and a receipt shall be kept in any case in which a receipt would be provided in the usual course of business. Petty cash expenditures must be itemized as all other expenditures on the disclosure forms.

C. A political committee is required to clearly indicate that its contribution to a candidate or a candidate's committee is from a political committee either by a designation on the check or by a separate notification attached to the contribution.

D. Records are required to be kept of every contribution, including the **sale of tickets** to testimonials or other fundraising events. The date, amount, and name and address of the contributor must be recorded and reported. (PACs receiving over 10,000 contributions of $24 or less by a payroll deduction or dues check-off system may only be required to list contributors once a year.)

Exception: Records are not required to be kept of the name and addresses of individual purchasers of campaign paraphernalia and raffle tickets for $25 or less. The total amount received and deposited

from campaign paraphernalia and raffle ticket sales must be reported. Paraphernalia sales are still contributions and successive single sales may not be used to avoid the recordkeeping requirements.

E. **Cash contributions** are subject to a $100 per person limit during the calendar year. The cash contributor must be given a receipt containing name, address and signature of contributor as well as date and amount of contribution.

F. Records are required to be kept of every expenditure, including those made by a public relations firm, advertising agency or agent. The date, amount and name and address of the recipient must be recorded and reported. The public relations firm, advertising agency or agent must collect the information required to complete the committee's report and furnish it on a timely basis.

G. Every transaction involving receipts or disbursements must be reported, regardless of amount.

VII. Reporting Deadlines (R.S. 18:1491.6)

Note: A specific reporting schedule is available for each election. Reporting and filing schedules are available on our website. Reports are filed when received, when postmarked or receipted on a return receipt request if sent by United States Mail, when received electronically, or when deposited for delivery with a commercial delivery service as indicated on a receipt.

Political committees that receive contributions in excess of $50,000 or make expenditures in excess of $50,000 in a calendar year, other than a political committee of a recognized political party, must electronically file disclosure reports.

The L.E.A.D.E.R.S. software used for electronic filing can be downloaded from our website at www.ethics.la.gov. To begin filing electronically, a password and identification number must be submitted at least five business days prior to a reporting deadline.

A. **ANNUAL REPORTS** are filed for each PAC no later than February 15 of each year and are complete as of the preceding December 31.

Exceptions: An annual report is not due (1) if another required report was filed any time after the preceding December 10 and prior to the February 15 due date, or (2) if the PAC has received no contributions, made no expenditures, and received or made no loans during the reporting period.

B. PACs have the option of filing reports on a monthly basis. **MONTHLY REPORTS** are due no later than the 10th day of the month following a month in which the committee accepts a contribution or receipt or makes an expenditure or disbursement. The Political Committee Notice of Monthly Filing must be submitted to this office at least 45 days prior to the due date for the next required report. The first monthly report is due by the 10th of the month following the month in which the notification is delivered. The form and additional information regarding monthly filing is available on our website.

C. PAC's who do not file monthly reports file according to the **CANDIDATE'S REPORTING AND FILING SCHEDULE.** PAC's begin filing reports according to the date they make contributions or expenditure in support of or opposition to a candidate and reports are filed following the reporting and filing

schedule for the specific election they are participating. PAC's electing to file reports on the same schedule as the candidates they support or oppose must file reports as follows:

1. **180 DAYS PRIOR TO THE PRIMARY ELECTION (180-P)** Filed only by PACs supporting or opposing major office candidates.

2. **90 DAYS PRIOR TO THE PRIMARY ELECTION (90-P)** Filed only by PACs supporting/opposing major office candidates.

3. **30 DAYS PRIOR TO THE PRIMARY ELECTION (30-P)**

4. **10 DAYS PRIOR TO THE PRIMARY ELECTION (10-P)**

5. **ELECTION DAY EXPENDITURES (EDE-P) REPORT** for election day workers, advertisements broadcasted or published on election day and automated calls made on election day. Name and address of all election day workers must be reported. Report is only required if election day expenses are made.

6. **10 DAYS PRIOR TO THE GENERAL ELECTION (10-G)** Last report required for PACs not participating in general election.

7. **ELECTION DAY EXPENDITURES (EDE-G) REPORT FOR** election day workers, advertisements broadcasted or published on election day and automated calls made on election day. Name and address of all election day workers must be reported. Report is only required if election day expenses are made.

8. **40 DAYS AFTER THE GENERAL ELECTION (40-G)** Filed only by PACs participating in the general election.

D. **Affidavits in Lieu of Reports:** PACs which support or oppose candidates for major or district offices and do not spend over $5,000 or receive contributions from one source totaling in excess of $200 may file an affidavit in lieu of each report required above. A separate affidavit is required for each report and once a PAC exceeds either of the threshold amounts it may not return to filing affidavits during that calendar year.

E. **Special Reports** are required during the 20 day period immediately preceding an election if: a contribution or loan in excess of $1,000 for PACs supporting/opposing major office candidates or $500 for district office candidates, or $250 for any other office candidates is received and accepted during the 20 day period, or an expenditure in excess of $200 is made during the 20 day period to a person required to file disclosure reports who makes endorsements. PACs electing to file monthly reports are **NOT** required to file Special Reports for receipts, however, monthly filers must file Special Reports if they make an expenditure in excess of $200 to a person required to file disclosure reports who makes endorsements. **Note:** Special Reports must be filed within 2 business days of the transaction.

F. **Supplemental Reports** are required to be filed annually by February 15, complete through the

preceding December 31, if the last report of a PAC for an election shows outstanding debts or loans. **Exception:** A supplemental report need not be filed if the PAC is dissolved or disbanded and shows outstanding debts and loans totaling less than $2,500.

G. **Proposition Elections:** Reports are required 30 days prior to the election, 10 days prior to the election and 40 days after the election. Special reports are required for any contribution or expenditure in excess of $200 during the 20 day period immediately preceding the election.

H. **Recall Elections:** Statement of organization is required within 3 days of the filing of the recall petition. Reports are due 45 days, 135 days, and 200 days after the filing of the recall petition. If the recall effort is successful, the rules for proposition elections then apply.

VIII. Contribution Limits (R.S. 18:1505.2 H, K)

Contributions, in-kind contributions, loans, endorsements or guarantees on loans and transfers of funds are all counted towards the contribution limits.

Exception: Loans to the political committee (without endorsements or guarantors) from state banks, federally chartered depository institutions, depository institutions with insured accounts, licensed lenders or insurance companies do not count towards the limits.

The contribution limits are detailed in the following chart:

	To a major office candidate or candidate committee per election[1]	To a district office candidate or candidate committee per election[1]	To an any other office candidate or candidate committee per election[1]	To a PAC between 1/1/19 and 12/31/22
Individual may give[2]	$5,000	$2,500	$1,000	$100,000[7]
Family Member of Candidate may give	$5,000	$2,500	$1,000	$100,000[7]
Legal Entity may give [3]	$5,000	$2,500	$1,000	$100,000[7]
PAC may give	$5,000	$2,500	$1,000	$5,000/2,500/1,000 [5] ($100,000 Party PAC's [6])
Big PAC [5] may give	$10,000	$5,000	$2,000	$10,000/5,000/2,000 [5] ($100,000 Party PAC's [6])
Democratic or Republican Party or committees may give	no limits	no limits	no limits	no limits

[1] The primary and general elections are considered as two separate elections.

[2] A husband and wife may each make contributions to the same candidate up to the limit. However, separate checks should be used. If a single check is signed by one spouse, the other must provide an affidavit as to their intent to share in the contribution.

[3] Includes legal entities owned wholly or partially by candidates, except Internal Revenue Code Sub-chapter S corporations and limited liability companies wholly owned by the candidate. Parent corporations and their subsidiaries are subject to a single limit. A corporation is a parent if it owns 50% of another corporation.

[4] A PAC with over 250 members who contributed over $50 to the PAC during the preceding calendar year and has been certified by the Ethics Administration as meeting that membership requirement.

[5] The applicable limit is determined by the level of office sought by the candidates supported/opposed by the recipient PAC, e.g., a contribution by a PAC to another PAC supporting only major office candidates is subject to the $5,000 limit (or the $10,000 limit if the contributor is a Big PAC). If the PAC receiving the contribution supports candidates for more than one type of office, then the highest limits shall apply.

[6] Contributions made by a political committee to a recognized political party or any committee thereof is $100,000.

[7] In *The Fund for Louisiana's Future v. Louisiana Board of Ethics*, et al., USDC, Eastern District of Louisiana No. 14-0368 (May 2, 2014), the Court concluded that the limit did not apply to contributions received by an independent expenditure-only political committee.

IX. Prohibited Practices (R.S. 18:1505.2)

A. Failure to file or failure to **timely file** a required report. Automatic penalties of at least $200 per day will be assessed for late reports.

B. Making contributions or loans through or in the **name of another**.

C. Using funds from an **anonymous** source. Anonymous contributions must be transmitted to the State.

D. Making or receiving **cash** contributions in excess of $100 in a calendar year per source. Any cash contribution must be evidenced by a receipt containing the name, address and signature (or mark) of the contributor.

E. Making or receiving payments, including reimbursements of costs, for the **transportation** of any voter to a polling place or for absentee voting unless the payment is to a licensed bus, taxi, or transportation service. (R.S. 18:1531) Medical transportation services do not qualify to receive payments for transporting voters.

F. Making expenditures in excess of $100 from a petty cash fund or making cash payments for personal services, except for tips for serving food or drink.

G. Contributions or expenditures made by a **corporation**, labor organization, or trade, business, or professional association unless specifically authorized by either (1) a vote of the board of directors or executive board, or (2) the president, vice-president, secretary or treasurer of a corporation or labor organization whom the board has specifically empowered to authorize such contributions or expenditures, or, for a corporation, by any other person designated by resolution of the board of directors, or (3) a vote of the membership of the labor organization. Cash contributions in any amount by a corporation, labor organization, or trade, business or professional organization are prohibited.

H. Financial activity over $500 in a calendar year by a political committee that has failed to file a statement of organization and contributions by a candidate to any political committee which should have filed a statement of organization but failed to do so. Committees that have filed statements of organization are issued certificates of registration by the Supervisory Committee on an annual basis.

I. Contributions received by a PAC may be expended for any legal purpose, but may not be used for any personal use unrelated to a political campaign or the holding of public office. PAC funds may be used for administrative costs and operating expenses. PAC funds may not be used to purchase immovable property or a motor vehicle. Excess funds may be: (1) returned to

contributors on a pro rata basis, (2) given as an IRS approved charitable donation, (3) expended in support of or opposition to a candidate, a proposition, or a political party, or (4) maintained for future campaigns.

J. Coercing or attempting to coerce a person to make or withhold a contribution or affecting an individual's employment based on a contribution or the failure to make a contribution.

K. Persons substantially interested in the gaming industry are prohibited from making contributions and loans to candidates and political committees that support or oppose candidates. Prohibited sources* include:

(1) any person who, pursuant to the Louisiana Riverboat Economic Development and Gaming Control Act, holds a license to conduct gaming activities on a riverboat, holds a license or permit as a distributor, supplier, or manufacturer of gaming devices or equipment including slot machines, or owns a riverboat,
(2) any person who, pursuant to the Louisiana Economic Development and Gaming Corporation Act, holds a license or entered into a contract to conduct casino gaming activities, holds a license or permit as a distributor or manufacturer of gaming devices or equipment including slot machines, or owns a casino where gaming operations are licensed,
(3) any person who has a direct or indirect "interest" in any legal entity included in (1) & (2) ("Interest" means ownership by an individual or spouse, individually or collectively, of more than 10% of any legal entity. An indirect interest is ownership through any number of layers of legal entities when 25% or more of each legal entity is owned by the legal entity ownership beneath it),
(4) any holding, intermediary, or subsidiary company of any person in (1) & (2) and any officer, director, trustee or partner thereof,
(5) any officer, director, trustee, partner, or senior management level employee or key employee (as defined in R.S. 4:605(19)) of any person included in (1) - (4),
(6) any person subject to provisions of R.S. 4:523C(4), 626C(4), or 661D, and
(7) the spouse of any person included in (1) - (6).

* These rules do not prohibit a candidate from using personal funds for his own campaign.

Penalties for Violations:
(1) Upon notification of the Supervisory Committee candidates or committees who accept illegal gaming contributions must pay those contributions over to the state within 10 days of the notification.
(2) Contributors violating this ban are subject to civil penalties of up to $10,000, criminal penalties, and will be rendered unsuitable to hold the license which made the contributor subject to the ban.

Note: This outline was produced by the Louisiana Ethics Administration Program, Post Office Box 4368, Baton Rouge, LA 70821; Website: www.ethics.la.gov. It is intended as a summary of reporting requirements. It does not purport to fully state the law. For further information, reporting forms, and schedules of reporting and filing dates for particular elections, please refer to the CFDA at LSA-R.S. 18:1481 et seq.

Rev. 8/2021

CANDIDATE'S REPORT
INSTRUCTIONS

READ ALL INSTRUCTIONS CAREFULLY AND REMOVE INSTRUCTION PAGE BEFORE FILING.
TYPE OR PRINT LEGIBLY IN BLACK INK.

GENERAL INFORMATION

- **District and Major office level candidates must electronically file the report using the LEADERS system.** First time filers should go to ethics.la.gov to obtain information regarding the LEADERS online filing system. If a district or major office level candidates submits a report via mail, fax, or file upload or hand-delivers the report, it will not be deemed filed and late fees will be assessed.

- Schedules that do not apply should be omitted. If additional space is necessary, make copies of the needed schedules and insert at the appropriate place.

- All transactions must be reported, regardless of amount. Exception: In-kind transactions valued at $25 or less are not required to be reported. However, successive transactions must be added together to determine whether $25 has been exceeded.

- A campaign bank account must be maintained. All contributions must be deposited in the campaign account. All expenditures must be made by check drawn on the campaign account. The check must be made payable to a specific person and indicate the object or services for which it was drawn. Exception: A petty cash fund may be maintained and used for expenditures of $100 or less that are not for personal services.

- Cash contributions in excess of $100 from one source during a calendar year are prohibited. A cash contributor must be given a receipt containing his name, address and signature, and the date and exact amount of the contribution. The campaign must keep a copy of the receipt.

- A record must be kept for every transaction, including the sale of tickets to fundraising events. The sale of a ticket to a fund-raising event is reported as any other contribution. Exception: In the case of a single transaction involving the sale of raffle tickets and campaign paraphernalia for $25 or less, no record need be kept except the total amount received and deposited and the fact that such amount was received from such sale. The total amount from campaign paraphernalia and raffle ticket sales of $25 or less is reported on Line 3a & 3b of the Summary Page. Records of receipts and disbursements must be kept by the candidate or his committee and maintained for two years after the final report is filed.

- The following contribution limits apply: $5,000 for major office candidates, $2,500 for district office candidates, and $1,000 for any other office candidates. You may not accept more than your contribution limit from one source per election. You may not accept contributions from persons substantially interested in the gaming industry. The primary and general are considered two separate elections. When calculating whether the limits have been reached, outstanding loans, endorsements or guarantees on loans, and contributions must be added together. The limits do not apply to the candidate's use of his own funds or to contributions made by recognized political parties or their committees. The limits do apply to contributions made by family members and legal entities owned by the candidate or his family members. The limits may be doubled when the contributor is a political committee with over 250 members who contributed at least $50 to the committee during the preceding calendar year. The committee must have certified that it meets this membership requirement on its annual Statement of Organization.

GENERAL INFORMATION (continued)

- The term "this election" as used throughout this form refers to the period from the date of first becoming a candidate (the day the first contribution was accepted, the first expenditure made, or the date of qualification to run for office, whichever came first) through the closing date of the current report.

- A candidate's immediate family member may not be paid for services provided to that candidate's campaign unless (1) the business is a bona fide business registered with the Secretary of State that has been doing business regularly in the state for at least 12 months prior to the time of the payment, and (2) that provides services related to the payment; and, (3) the payment is made through an arms length transaction in which the value of the goods or services furnished is commensurate with the consideration provided. Immediate family member is a candidate's children and their spouses, his brothers and their spouses, his sisters and their spouses, his parents, his spouse, and the parents of his spouse.

- Separate reporting forms are to be used for "Special Reports" and "Election Day Expenditures."

- A candidate may report through a principal campaign committee. The use of a committee is strictly optional. If a committee is used the candidate must file a "Designation of Principal Campaign Committee." The committee must file a Statement of Organization in January of each year it will have over $500 in financial activity. A $100 filing fee must be submitted annually with each Statement of Organization.

- Contributions or loans in the name of another are prohibited. If funds are made available to a candidate's campaign by a person who was loaned those funds by a third party, the name of the third party must also be disclosed.

- Expenditures made by a public relations firm, an advertising agency or agent for the campaign must be reported to the campaign; the ultimate recipients of any such expenditures are required to be reported on Schedule E-1 of this report.

- Expenditures, including any reimbursement of costs, to persons to transport voters to the polls are prohibited. Exception: payments to transport voters are allowed if made to a bona fide bus, taxi, or transportation service duly licensed or permitted by a governmental entity.

- For additional information call our office at 225-219-5600 or visit our website at www.ethics.la.gov.

FORM 102 INSTRUCTIONS

1. Enter the qualifying name and address of the candidate. The "qualifying name" is the name used or to be used by the candidate on the Notice of Candidacy.

2. Enter the specific office sought by the candidate. Include the parish, city, town and/or election district.

3. Enter the date of the election. If the election date is not yet known, enter the anticipated year of the election.

4. Check the type of report the candidate is filing.

5. If this is the candidate's final report, check the appropriate status. Enter the name and address of the financial institution(s) which is (are) being used as a depository for campaign funds. **NOTE:** The candidate is required by law to use one or more banks, savings and loan associations, or money market mutual fund as the depository of all campaign funds.

6. Enter the full name and address of the candidate's campaign treasurer if applicable.

7. Complete section 8 only if this report is being filed by a candidate's principal campaign committee.

   a. Enter the complete name and address of principal campaign committee
   b. Enter the full name and address of committee's chairperson
   c. Enter the complete name and address of all subsidiary committees, if any. (Use additional sheets if necessary)

8. a. Enter the name of the person preparing this report.
   b. Enter a daytime telephone number where this person may be contacted during the Louisiana Board of Ethics business hours (8:00 a.m. - 4:45 p.m.).

9. Complete certification with the date the report is being filed and the signatures of the candidate or committee chairperson and the treasurer, if any. **NOTE:** The report should be signed by the committee chairperson *only* if report is being filing on behalf of a principal campaign committee

SCHEDULE A-1: CONTRIBUTIONS RECEIVED (Other than In-Kind Contributions)

The information on this schedule must be provided for all contributors to your campaign during this reporting period, except for in-kind contributions. Information on in-kind contributions is reported on SCHEDULE A-2: IN-KIND CONTRIBUTIONS. Any personal funds a candidate contributes to his campaign must be reported on this schedule. Personal funds a candidate *loans* to his campaign should be reported on Schedule B. For anonymous contributions, see SCHEDULE F. Totals and subtotals are *optional*. Completion of totals and subtotals may assist in calculating totals that must be reported on the Summary Page.

Column 1: Enter the name and address of each contributor. If the contributor is a political committee or a party committee, you must indicate so by placing a check on the appropriate line.

Column 2: Contributions this Reporting Period.

   a. Enter the date(s) of the contributor's contribution(s).
   b. Enter the amount(s) of the contributor's contribution(s).

Column 3: Enter the total contributions made during this election by the contributor listed in Column 1.

SCHEDULE A-2: IN-KIND CONTRIBUTIONS

The information required on this schedule must be provided for all in-kind contributions to your campaign having a monetary value in excess of $25. In-kind contributions include the donation of tangible property, the use of tangible property, or the services of employees paid by a person other than the candidate or his business. Any in-kind contributions a candidate makes to his own campaign must be reported here. Totals and subtotals are *optional*. Completion of totals and subtotals may assist in calculating totals that must be reported on the Summary Page.

Column 1: Enter the name and address of each in-kind contributor. If the in-kind contributor is a political committee or a party committee, you must indicate so by placing a check on the appropriate line.

Column 2: In-kind Contributions this Reporting Period.

a. Enter a brief description(s) of the in-kind contribution(s).
b. Enter the date(s) of the contributor's in-kind contribution(s).
c. Enter the value(s) of the contributor's in-kind contribution(s).

Column 3: Enter the total in-kind contributions made during this election by the contributor listed in Column 1.

SCHEDULE A-3: OTHER RECEIPTS

Use this schedule to report those receipts that are not "contributions"; that is, monies paid to the campaign that are not given for the purpose of supporting, opposing or otherwise influencing the nomination or election of a candidate to public office. Examples include interest or investment income. Receipts should be reported on this schedule only if they have not been reported elsewhere in this report. The explanation of the receipt should state the reason the payment was made to the campaign.

Column 1: Enter the name and address of each source.

Column 2: Other Receipts this Reporting.

a. Enter the date(s) of the receipt(s).
b. Enter the explanation(s) of the receipt(s).
c. Enter the amount(s) of the receipt(s).

SCHEDULE B: LOANS RECEIVED

The required information must be provided for each loan or line of credit received this reporting period, even if it has been repaid. Also, complete this schedule for loans received in prior periods that are still outstanding. Separate loans must be reported separately, even if from the same source. Any personal funds a candidate loans to his campaign must be reported on this schedule.

1. Enter the name and address of the lender.

2. a. Enter the date of the loan. For lines of credit, give the date the line of credit was first committed.
   b. Enter the interest rate.
   c. Enter the amount borrowed. For lines of credit, list only the amount actually drawn.
   d. Enter the balance due.
   OPTIONAL - Total amount of credit available. For lines of credit, you may list the total amount of credit available if you wish.

3. Enter the full name and address of each person or entity that has endorsed, guaranteed or otherwise secured the loan or line of credit. Also, state the amount of liability for each endorser or guarantor.

4. Repayments this Period.

   a. Enter the date of the repayment.
   b. Enter the amount of principal included in this repayment.*
   c. Enter the amount of interest included in this repayment.*
   * List payments of principal and interest separately. If separate amounts are not known, list all payments under principal.

SCHEDULE C: DEBTS AND OBLIGATIONS (OTHER THAN LOANS)

Use this schedule to report *either* debts owed by the campaign *or* debts owed to the campaign, **checking the appropriate line** at the top of the schedule. If the campaign has experienced both types of debts, then copy this page and report them separately. Never combine debts owed by and debts owed to on the same page. Debts should be reported on this schedule until repaid. When repayments are made by the campaign, a corresponding entry should be made on SCHEDULE E-1: GENERAL EXPENDITURES. When repayments are received by the campaign, a corresponding entry should be made on SCHEDULE A-3: OTHER RECEIPTS.

Column 1: Enter the name and address of the creditor or debtor. If you are reporting a debt, enter the reason the debt was incurred in the space provided.

Column 2: Enter the outstanding balance beginning this period.

Column 3: Enter any amount(s) incurred this reporting period.

Column 4: Enter any payment(s) made this reporting period.

Column 5: Enter the outstanding balance at the close of this period.

SCHEDULE D: FUNDS LOANED

The required information must be provided for each loan or line of credit made this reporting period, even if it has been repaid. Also, complete this schedule for loans made in prior periods that are still outstanding. Separate loans must be reported separately, even if to the same borrower.

1. Enter the name and address of the borrower.

2. a. Enter the date of the loan. For lines of credit, give the date the line of credit was first committed.
   b. Enter the interest rate.
   c. Enter the amount loaned. For lines of credit, list only the amount actually drawn.
   d. Enter the balance due.
   OPTIONAL - Total amount of credit available. For lines of credit, you may list the total amount of credit available if you wish.

3. Enter the full name and address of each person or entity that has endorsed, guaranteed or otherwise secured the loan or line of credit. Also, state the amount of liability for each endorser or guarantor.

4. Repayments this Period
   a. Enter the date of the repayment.
   b. Enter the amount of principal included in this repayment.*
   c. Enter the amount of interest included in this repayment. *
   * List payments of principal and interest separately. If separate amounts are not known, list all payments under principal.

SCHEDULE E-1: EXPENDITURES

Use this schedule to report information on all campaign expenditures for this reporting period. An "expenditure" is any payment made for the purpose of supporting your election to public office and includes monies spent for the campaign's general operating expenses.* Any payments made that are not "expenditures" should be reported on SCHEDULE E-2: OTHER DISBURSEMENTS. Totals and subtotals at bottom of page are *optional.* Completion of totals and subtotals may assist in calculating totals that must be reported on the Summary Page.

Column 1: Enter the name and address of the recipient.

Column 2: Expenditures this Reporting Period.
   a. Enter the date(s) of the expenditure.
   b. Enter the purpose(s) of the expenditure.**
   c. Enter the amount(s) of the expenditure.

* Public relations firm, advertising agency or agent for the campaign expenditures should be itemized to disclose to whom the expenditures were made. Credit card expenditures or reimbursements should be itemized to disclose to whom the expenditures were made.
** The description of the purpose must clearly state how the expenditure is related to your political campaign or holding of public office.

SCHEDULE E-2: OTHER DISBURSEMENTS

Use this schedule to report those disbursements that are not "expenditures"; that is, monies paid by the campaign that are not paid for the purpose of supporting, opposing or otherwise influencing the nomination or election of a candidate to public office. Examples include the payment of taxes or the refund of contributions. Disbursements should be reported on this schedule only if they have not been reported elsewhere in this report. The explanation of the disbursement should state the reason the payment was made by the campaign.

Column 1: Enter the name and address of the recipient.

Column 2: Other Disbursements this Reporting Period.
a. Enter the date(s) of the disbursement.
b. Enter the explanation(s) of the disbursement.*
c. Enter the amount(s) of the disbursement.

* The explanation must clearly state how the disbursement is related to your holding of public office or is a permissible use of campaign funds.

SCHEDULE F: ANONYMOUS CONTRIBUTIONS

Anonymous contributions *must be transmitted to the State*--they cannot be kept or used. On this schedule, state the date and amount of each anonymous contribution received during this reporting period, as well as the date that each contribution was transmitted to the State. Receipts from the sale of campaign paraphernalia (items such as political campaign pins, buttons, hats, T-shirts, bumper stickers, literature, etc.) in transactions of $25 or less are not considered anonymous contributions.

Anonymous contributions should be mailed by campaign check to the Treasurer of the State of Louisiana, accompanied with an explanation that the check represents an anonymous campaign contribution forwarded pursuant to LSA-R.S. 18:1505.2B.

Column 1: Enter the amount of the anonymous contribution.

Column 2: Enter the date the anonymous contribution was received.

Column 3: Enter the date the anonymous contribution was transmitted to the State.