2022 Regular Session

HOUSE BILL NO. 186

BY REPRESENTATIVE STEFANSKI

ETHICS: Provides for the standard of knowledge of a false statement in the provisions relative to unethical election practices

AN ACT

To amend and reenact R.S. 42:1130.4, relative to unethical election practices; to provide for the standard of knowledge of a false statement; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1130.4 is hereby amended and reenacted to read as follows:

§1130.4. False statements by candidate

No candidate in an election shall, with the intent to mislead the voters, distribute or cause to be distributed any oral, visual, or written material containing any statement which he knows <u>or should be reasonably expected to know</u> makes a false statement about another candidate in the election.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 186 Engrossed 2022 Regular Session Stefanski

Abstract: Provides that the standard of knowledge for a candidate making a false statement about another candidate in the election is "knows or should be reasonably expected to know".

<u>Present law</u> (ethics code) prohibits a candidate in an election from, with the intent to mislead the voters, distributing or causing to be distributed any oral, visual, or written material containing any statement which he knows makes a false statement about another candidate in the election.

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Proposed law changes the standard of knowledge of such false statements to knows or should be reasonably expected to know regarding a false statement and otherwise retains the present law prohibition.

Present law (R.S. 42:1153), for violations of the Code of Governmental Ethics and other laws within jurisdiction of the Board of Ethics, by an elected official or other person (except violations of the Campaign Finance Disclosure Act which are governed by that Act) authorizes the board by a majority vote of the membership to censure the elected official or person, or impose a fine of not more than $10,000, or both. For such violations by a public employee or other person, authorizes the board by the same vote to remove, suspend, or order a reduction in pay or demotion of the public employee or other person, or impose a fine of not more than $10,000, or both. Present law applies to violations of proposed law.

(Amends R.S. 42:1130.4)

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