



STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS
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September 20, 2023

The Honorable Senator Sharon Hewitt
Chairperson, Senate and Governmental Affairs
apa.s-s&g@legis.la.gov
P.O. Box 94183
Baton Rouge, Louisiana 70804

The Honorable Representative John Stefanski
Chairperson, House and Governmental Affairs
apa.h-hg@legis.la.gov
P. O. Box 94062
Baton Rouge, Louisiana 70804

Re: Promulgation of Proposed Rules Regarding Electronic Communication (LAC 52: I. Chapter 18, *Louisiana Register*, Volume 49, No. 8, August 20, 2023, Page 1456-1457)

Dear Senator Hewitt and Representative Stefanski:

Pursuant to R.S. 49:968(D)(1)(b), the Louisiana Board of Ethics reports that no public hearing has been or will be held as to the proposed regulations concerning electronic communication and notices pursuant to R.S. 42:1160. The deadline to submit comments or request a public hearing for the proposed rules was September 10, 2023. No one submitted comments or requested a public hearing; therefore, no public hearing was scheduled.

If you would like to schedule a hearing before the Governmental Affairs Committee to consider these proposed rules, please contact Kristy Gary, Deputy Ethics Administrator, or myself to provide such assistance as is necessary under these circumstances. Upon receiving a favorable recommendation, the Louisiana Board of Ethics anticipates the final rule will be published with an effective date of November 20, 2023.

Sincerely,

LOUISIANA BOARD OF ETHICS

Kathleen M. Allen
For the Board

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2. when the filing party is a political committee or other person filing campaign finance disclosure reports, the communication will be sent to the email provided on the electronic filing affidavit or through the agency's computerized data management system, whichever was submitted more recently.

3. when the filing party is a lobbyist filing lobbying registrations, supplemental registrations, or expenditure reports, the communication will be sent to the email provided through the agency's computerized data management system.

4. when the filing party is a public servant who is filing reports pursuant to the Code of Governmental Ethics, the communication will be sent to the email address provided by the public servant, on the notice of candidacy filed in connection with the most recent election, if one exists, unless they have submitted, on an electronic filing affidavit or through the agency's computerized data management system, a new email address to which notices should be sent.

B. If the board has been provided with a valid email address as provided in #1, the following communications shall be sent electronically:

1. reminder notices and notices of delinquency for reports required by the Campaign Finance Disclosure Act.

2. reminder notices for reports and notices of delinquency for reports required to be filed pursuant to R.S. 42:1113D, 42:1114, 42:1114.2, 42:1114.3, 42:1119B and 1123(22) and R.S. 27:63A.

3. reminder notices for reports required to be filed pursuant to R.S. 42:1124, 42:1124.2, 42:1124.2.1 and 42:1124.3.

4. reminder notices and notices of delinquency for reports required pursuant to the Lobbyist Disclosure Acts.

C. If a filing party does not provide a valid email address the communication will not be delivered electronically. A valid email address is an email address provided by the filing party, unless the board receives a response that the communication sent to the email address was not delivered.

D. It is the filing party's responsibility to ensure the board has an updated email address.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 49:

Family Impact Statement

The proposed rule changes have no known impact on family formation, stability or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

The proposed rule changes have no known impact on poverty, as described in R.S. 49:973.

Small Business Analysis

The proposed Rule should not have any known or adverse impact on small business as described in R.S. 49:978.5.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session.

NOTICE OF INTENT

Department of Civil Service Board of Ethics

Electronic Communication
(LAC 52:1.1807)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Civil Service, Board of Ethics, has initiated rulemaking procedures and is proposing to adopt a Rule regarding electronic communication and notices pursuant to R.S. 42:1160. The proposed Rule facilitates procedures for the board to send communications electronically and codifies the Board of Ethics rules in statute.

Title 52 ETIDCS

Part I. Board of Ethics

Chapter 18. Electronic Filing

§1807. Notices sent Pursuant to R.S. 42:1160

A. For purposes of R.S. 42:1160, the board shall send the communication electronically:

1. when the filing party is a candidate filing campaign finance disclosure reports or candidate personal financial disclosure reports, the communication will be sent to the email address provided by the candidate on the notice of candidacy filed in connection with the most recent election, unless the candidate has submitted, on an electronic filing affidavit or through the agency's computerized data management system, a new email address to which notices should be sent.

Public Comments

Interested persons may direct their comments to Kathleen M. Allen, Louisiana Board of Ethics, P.O. Box 4368, Baton Rouge, Louisiana 70821, telephone (225) 219-5600, until 4:45 p.m. on September 10, 2023.

Kathleen M. Allen
Ethics Administrator

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Electronic Communication**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
The proposed rule facilitates procedures for the Board of Ethics to send communications electronically and codifies the Board of Ethics rules in statute. Act 241 of the 2023 Regular Session added R.S. 42:1160, which requires the Board of Ethics to send communications electronically to a filing party who files a report through the Board of Ethics Computerized Data Management System.
The proposed rule will result in increased costs to the Board of Ethics of approximately \$1,570 in FY 24, which includes the cost to acquire software that will provide the electronic notices (\$1,250) and a one-time cost (\$320) to publish the Notice of Intent and the proposed rule in the State Register. Ongoing annual costs are estimated at \$1,250 for the required software.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rule will have no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
Parties filing reports through the Board of Ethics Computerized Data Management System may benefit from receiving electronic communications in addition to certified mail from the Board of Ethics, as they may be able to respond to such communications in a timelier manner.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The proposed rule will have no effect on competition and employment.

Kristy Gary
Deputy Ethics Administrator
2308#033

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office