

NOTICE OF INTENT

**Department of Civil Service
Board of Ethics**

Campaign Finance: Reporting for a Tie Vote
(LAC 52:I.1615)

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 the reporting requirements for candidates and political committees participating in an additional election following a tie vote or court ordered election.

Title 52

ETHICS

Part I. Board of Ethics

**Chapter 16. The Board as Supervisory Committee of
the Louisiana Campaign Finance
Disclosure Act**

§1615. Reporting for a Tie Vote

A. If there is a tie vote in a general election, candidates, political committees and other persons required to file campaign finance disclosure reports, shall file the following additional reports:

1. Special Reports for the twenty-day period preceding the tie vote election pursuant to R.S. 18:512. The

Special Reports shall be filed as required by R.S. 18:1491.6C and La. R.S. 18:1495.4C.

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

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 50:

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.

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 October 10, 2024.

Kathleen M. Allen
Ethics Administrator

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Campaign Finance: Reporting for a Tie Vote

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change is not anticipated to result in any cost or savings to the state or local government units, other than the cost to publish the Notice of Intent and the rule in the State Register.

The proposed rule codifies Act 136 of the 2024 Regular Session, which provides for reporting requirements for candidates and political committees participating in an additional election following a tie vote or court ordered elections following an election contest.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change has no anticipated effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change may increase those persons required to file a campaign finance disclosure report if there is a tie vote in a general election, but should not have a fiscal impact on these groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change has no anticipated effect on competition and employment.

Kristy Gary
Deputy Ethics Administrator
2409#060

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Civil Service
Board of Ethics**

Contributions: Receiving, Redesignation,
and Reattribution (LAC 52:I.1617 and 1619)

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 receiving, redesignating, and reattributing contributions.

**Title 52
ETHICS**

Part I. Board of Ethics

Chapter 16. The Board as Supervisory Committee of the Louisiana Campaign Finance Disclosure Act

§1617. Receiving Contributions

A. Candidate, political committee or other persons who are required to file campaign finance disclosure reports have 10 days from receipt of a contribution to take the following actions:

- 1. deposit the contribution into their designated campaign account; or,
- 2. return the contribution to the contributor.

B. If the contribution is deposited into a designated campaign account, it shall be disclosed as being received as the date that it was

- 1. hand-delivered to the candidate, political committee, other person who is required to file campaign finance disclosure reports, or their authorized representatives; or,
- 2. received in the mail or courier service by the candidate or their treasurer.

C. For contributions to candidates,

1. Unless the contribution is designated in writing by the contributor for a particular election, the contribution shall be presumed to be applied to the next election in which the candidate is participating.

2. If the contributor designates a contribution in writing for a particular election, the candidate shall maintain a copy of the designation in their campaign finance records.

3. A contributor cannot designate a contribution for a candidate for a future election which is past the next election cycle in which the candidate is participating.

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

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 50:

§1619. Redesignation and Reattribution of Contributions

A. Redesignation is an action taken by a candidate or his campaign committee and/or the contributor to designate an excess contribution to another election in which the contributor has not exceeded the contribution limits.

- 1. Redesignation of a contribution designated by the contributor for a particular election, the candidate or their campaign committee shall obtain written redesignation of

the contribution to another election on a form approved by the board or in writing that contains the following:

- a. the name and address of the contributor;
- b. date and amount of initial contribution;
- c. date of election to which the initial contribution was designated;
- d. date and amount of redesignated contribution;
- e. date of election to which the contribution is redesignated;
- f. signature of contributor and date signed;
- g. date redesignation received by the candidate or their committee.

B. Reattribution is an action taken by a candidate or his campaign committee and the contributor to attribute the excess portion of a contribution to another contributor who has not otherwise made a contribution that exceeded the contribution limits.

1. Funds may only be reattributed to another contributor who has a legal claim to the funds being reattributed because contributions through or in the name of another are prohibited by La. R.S. 18:1505.2A.

2. To reattribute the excess portion of a contribution, the candidate or their campaign committee shall obtain written reattribution of the contribution from the initial contributor and the contributor to which the contribution is being reattributed on a form approved by the board or in writing that contains the following:

- a. the name and address of the initial contributor;
- b. date and amount of initial contribution;
- c. date of election to which the initial contribution was designated;
- d. date contribution reattributed to another contributor and the amount of the reattributed contribution;
- e. date of election to which the contribution is reattributed;
- f. signature of initial contributor and date signed;
- g. signature of contributor to whom the contribution is reattributed;
- h. date reattribution received by the candidate or their committee.

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

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 50:

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.

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 October 10, 2024.

Kathleen M. Allen
Ethics Administrator

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Contributions: Receiving, Redesignation, and Reattribution

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change will result in a one-time increase in expenditures, estimated to be approximately \$60,000 in State General Fund, for information technology updates and changes to the Louisiana Ethics Administration Disclosure and Electronic Reporting System (LEADERS). The Ethics Administration will absorb the increased workload with its existing staff and resources. The only other cost to the state is the cost to publish the Notice of Intent and the rule in the State Register.

The proposed rule change codifies Act 664 of the 2024 Regular Session regarding the receipt, redesignation, and reattribution of campaign contributions by candidates or their campaign committee. The proposed rule change provides for guidance and procedures to those persons receiving, redesignating, and reattributing campaign contributions.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change has no anticipated effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There is no anticipated economic benefit to directly affected persons, small businesses, or non-governmental groups as a result of the proposed rule change. The proposed rule change provides instructions to candidates (or their campaign committees) on the designation of contributions to a particular election, the redesignation of an excess contribution to another election, and the reattribution of an excess contribution to another contributor.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule has no anticipated effect on competition and employment.

Kristy Gary
Deputy Ethics Administrator
2409#059

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Civil Service Board of Ethics

Political Committees; Filing Fees (LAC 52:I.1603)

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 amend a rule regarding the acceptance of payments via electronic funds transfer for political committee registration fees.

**Title 52
ETHICS**

Part I. Board of Ethics

**Chapter 16. The Board as Supervisory Committee of
the Louisiana Campaign Finance
Disclosure Act**

§1603. Political Committees; Filing Fees

A. A fee of \$100 shall be remitted to the supervisory committee with each statement of organization required to be filed by a political committee.

B. The \$100 fee shall be due only once per calendar year per committee. In the event that an amended statement of organization is filed by a political committee, no additional fee is required to be paid.

C. All fees paid in compliance with §1603 shall be by check drawn upon, or by electronic funds transfer drawn from, the designated depository of the political committee.

D. Certificates of registration will be issued to political committees only after a sufficient time has elapsed to insure that the funds used to pay the required fee have been paid by the bank upon which it is drawn.

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

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1301 (October 1997), amended LR 50:

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.

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 October 10, 2024.

Kathleen M. Allen
Ethics Administrator

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Political Committees; Filing Fees**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule change will result in a one-time in-house information technology update to allow the political committee fees to be drawn by electronic funds transfer. The Ethics Administration will absorb the increased workload with its existing staff and resources. The only cost to the state is the cost to publish the Notice of Intent and the rule in the State Register.

The proposed rule change codifies Act 664 of the 2024 Regular Session, which provides for acceptance of payments via electronic funds transfer for political committee registration fees.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule change has no anticipated effect on revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR
NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule change allows political committees to pay their filing fees via electronic funds transfer, but should not have a fiscal impact on these groups. Previously, all fees paid were required to be paid by check.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

The proposed rule change has no anticipated effect on competition and employment.

Kristy Gary
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2409#058

Patrice Thomas
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Legislative Fiscal Office