

NOTICE OF INTENT

**Department of Civil Service
Board of Ethics**

**Campaign Finance Complaints
(LAC 52:I.Chapter 7)**

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 processing Campaign Finance Disclosure Act complaints.

Title 52

ETHICS

Part I. Board of Ethics

Chapter 7. Complaints

§709. Campaign Finance Complaints

A. Except as otherwise provided in this Section, the general provisions relating to complaints shall apply to complaints filed regarding violations of the Campaign Finance Disclosure Act.

B. All complaints must be signed by the complainant and received on a form approved by the board or in a format that contains the following information:

1. the complainant's full name and mailing address.
2. an email address for the complainant, if available.
3. the identification of each person who is alleged to have violated the Campaign Finance Disclosure Act ("CFDA").
4. a clear and concise recitation of the facts describing the alleged violation of the CFDA.
5. With respect to statements made in the complaint, the complainant shall:
 - a. indicate whether the statements are based on the complainant's personal knowledge, or
 - b. include reasonable identification of the source of the information, which gives rise to the complainant's belief in the truth of the statements in the complaint.

6. All documentation in the complainant's possession supports the facts alleged in the complaint.

C. By providing an email address, the complainant agrees to accept communications from the board via email, and all correspondence from the board to the complainant shall request confirmation of the receipt of the communication via an electronic "read receipt" to be provided by the complainant.

D. If the board's staff determines that the complaint does not substantially comply with Paragraph B of this Section, the board's staff shall send a notice within five business days after receipt of the complaint to the complainant and to each person identified in the complaint as allegedly violating the CFDA that no action shall be taken on the basis of the complaint.

E. If the board's staff determines that a complaint substantially complies with Paragraph B of this Section, within five business days after receiving the complaint, the staff shall send a notice to each person identified in the complaint as having allegedly violated the CFDA advising of the procedures in this Section.

1. The recipient of the notice sent to the person identified in the complaint as allegedly violating the CFDA shall be referred to as the "respondent."

2. The notice sent to the respondent shall include a copy of the complaint from which the board's staff has redacted any information that would identify the complainant.

3. If the respondent has provided an email address, either on a notice of candidacy or an electronic filing affidavit, the notice shall be transmitted via email to the respondent, with confirmation of receipt via a "read receipt" to be provided by the respondent.

4. Within 15 days from the receipt of the notice, the respondent shall submit a letter or memorandum stating reasons why the board should take no action, along with any reasonably necessary supporting documentation.

a. Upon receipt thereof, the complaint, the response, and any supporting documentation shall be considered by the board at its next scheduled monthly meeting, according to the public deadline on the board's website, and at which at least 2/3 of its membership is present.

b. If a response is not provided within 15 days from receipt of the notification, the complaint shall be considered by the board at its next scheduled monthly meeting, at which at least 2/3 of its membership is present.

5. After the board considers the complaint and the response, if one is filed within 15 days, as provided in Paragraph 4 of this Section, the board may take one of the following actions:

a. upon a majority vote of the board, issue a letter to the complainant and the respondent that the board found no reason to believe a violation has occurred or otherwise terminated its proceedings.

b. upon an affirmative vote of at least 2/3 of its membership, issue a letter to the respondent that it has reason to believe that the respondent has violated the CFDA by identifying the provision of the CFDA alleged to have been violated and the alleged factual basis supporting the

finding, including reference to any specific transactions identified as a violation.

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

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 51:

Family Impact Statement

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

Poverty Impact Statement

The proposed Rule has 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 David M. Bordelon, Louisiana Board of Ethics, P.O. Box 4368, Baton Rouge, Louisiana 70821, telephone (225) 219-5600, until 4:45 p.m. on February 10, 2025.

David M. Bordelon
Ethics Administrator

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Campaign Finance Complaints

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 (\$300).

The proposed rule codifies a section of Act 664 of the 2024 Regular Session, which provides procedures for filing and processing complaints regarding violations of the Campaign Finance Disclosure Act with the Supervisory Committee on Campaign Finance.

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 provides instructions to those who wish to file a complaint regarding violations of the Campaign Finance Disclosure Act and 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.

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Legislative Fiscal Office