

Existing law, relative to campaign finance disclosure, provides the Supervisory Committee on Campaign Finance Disclosure (which is the Board of Ethics) with the authority to investigate apparent or alleged violations of the Campaign Finance Disclosure Act (CFDA).

Existing law (Campaign Finance Disclosure Act–CFDA) provides for civil penalties for late filing, to be assessed on persons required to file reports who knowingly fail to file or timely file the report.

Prior law, provisions in the Code of Governmental Ethics (ethics code), authorized the staff of the Board of Ethics to assess and order the payment of civil penalties for failure to file or failure to timely file and provided that a person could request a waiver or may appeal the assessment to the Board of Ethics.

New law removes reference to the prior law provisions in the ethics code and provides in the CFDA that the staff may assess and issue an order for the payment of the civil penalties for failure to file and failure to timely file. New law further provides that the supervisory committee may waive all or part of such civil penalties and provides that the disposition of the waiver request is not appealable to the Ethics Adjudicatory Board (EAB), or a panel thereof (EAB panel). Provides that the order by the staff is appealable to an EAB panel which shall conduct an adjudicatory hearing in accordance with the ethics code. Provides, in such case, that an EAB panel determines the penalties, if any, that should be imposed in accordance with the CFDA. Specifies that the final decision of an EAB panel may be appealed as provided in the ethics code. Provides that when all delays for waiver requests and appeal have expired, a final order or decision shall become executory and may be enforced as any other money judgement.

Existing law further authorizes the supervisory committee, after a hearing, to impose additional civil penalties up to \$10,000 on any person required to file certain election related reports who had not filed the report by the sixth day after they are due or, in the case of other reports, by the eleventh day after they are due, with notice to the party who is the subject of the hearing.

Prior law provided that the supervisory committee would conduct the hearing.

New law provides instead that an adjudicatory panel of the Ethics Adjudicatory Board conducts an adjudicatory hearing in accordance with the provisions of the ethics code. New law authorizes the EAB or panel thereof to subpoena witnesses, administer oaths, compel production of documents, and to do all as necessary to effect the provisions of the CFDA.

Existing law provides that any person required to file reports under the CFDA who knowingly and willfully fails to disclose, or knowingly and willfully fails to accurately disclose, any information required to be disclosed may be assessed a civil penalty for each day until such information is disclosed by amendment to the appropriate report. Defines "knowingly and willfully", as conduct which could have been avoided through the exercise of due diligence.

New law specifies that the supervisory committee, when an investigation indicates a violation has occurred, may file civil proceedings to collect these penalties.

Effective upon signature of governor (June 7, 2012).

(Amends R.S. 18:463(A)(2)(c)(i), 1505.4(A)(1) and (4), (C), and (D)(1), 1511.4(D), and 1511.5(A)(1) and (2), (B), and (D); Adds 18:1511.4.1)