

## LOUISIANA

### Ethics Agencies

**1. Is there an ethics agency, with the authority to conduct its own investigations, including public hearings and subpoena power?**

The Board of Ethics administers and enforces the provisions of the Code of Governmental Ethics and the rules and regulations with respect to public employees and elected officials. [LA. STAT. ANN. § 42:1132\(C\)](#). This includes elected and appointed executive branch officials, civil servants and members of the legislature. [LA. STAT. ANN. §§ 42:1102\(9\), \(12\), \(18\)\(a\)](#). The Board of Ethics has the power to conduct investigations on its own initiative and upon referral and to conduct private and public hearings through the Ethics Adjudicatory Board. [LA. STAT. ANN. § 42:1134\(D\), 1141, 1141.2](#); [LA. ADMIN. CODE tit. 52 §§ 801-808, 1002-1018](#). The Board also has subpoena power. [LA. STAT. ANN. § 42:1141.4](#); [LA. ADMIN CODE tit. 52 § 1009](#).

**2. Will the ethics agency accept anonymous complaints and is the ethics agency required to reveal the name of the complainant to the respondent?**

The Board accepts signed, sworn complaints from any elector. [LA. STAT. ANN. § 42:1141\(B\)\(1\)\(a\)](#). The Board has not defined the term elector, but maintains that guidance for the term comes from those who are qualified to vote. Email from Kathleen Allen, Ethics Administrator of the Office of the Ethics Administrator (July 6, 2020, 11:11 AM EDT). The agency will also review non-sworn complaints. However, a person who has filed a non-sworn complaint is provided with only a notification stating the final disposition of the complaint. [LA. STAT. ANN. § 42:1141\(B\)\(1\)\(b\)](#). All complaints must be in writing and signed by the person submitting the complaint. [Louisiana Board of Ethics Procedures: Filing Complaints](#).

The agency forwards a copy of the complaint to the respondent, with the name of the complainant redacted. [LA. STAT. ANN. § 42:1141\(B\)\(1\)\(a\)](#).

**3. Does the ethics agency have the ability to sanction, including personnel actions, injunctions, and fines?**

**Personnel Actions** – Sanctions include removal, suspension, demotion, or reduction of the pay of the public employee and censure of an elected official and imposition of a fine. [LA. STAT. ANN. §§ 42:1151\(B\); 42:1153](#).

**Injunctions** – Imposition of restrictions on a former public servant to prevent appearances before the agency and to prohibit the negotiation for or entering into business relationships with the agency. [LA. STAT. ANN. §§ 42:1151](#).

**Fines** – Up to \$10,000 or in cases of gifts or illegal economic advantage, Recovery may include, in addition to an amount equal to such economic advantage, penalties not to exceed one half of the amount of the economic advantage. [LA. STAT. ANN. §§ 42:1113-1115](#). For

failure to file a financial disclosure form, the penalty is a \$500 per day penalty, with a \$12,500 maximum. [LA. STAT. ANN. §§ 42:1157.](#)

**4. Are the members of the ethics agency protected from removal without cause?**

The Louisiana Board of Ethics consists of eleven members, seven of whom are appointed by the Governor based on recommendations from a nominating committee. [LA. STAT. ANN. § 42:1132\(B\)](#). Typically, public officers appointed by the Louisiana governor serve “at the pleasure of the governor.” [LA. STAT. ANN. § 42:4\(A\)](#). This occurs except where appointments are made “upon recommendation or from lists submitted by others where the law requires appointments to be so made.” [LA. STAT. ANN. § 42:4](#). As previously noted, the Governor’s appointees are based on recommendations from a nominating committee. [LA. STAT. ANN. § 42:1132\(B\)](#). The statute is silent about removal of the four members selected by the Legislature.

**Gifts**

**5. Are elected and appointed executive branch officials and legislators prohibited from accepting gifts from high-risk sources (lobbyists, lobbyists’ principals, government contractors) in an aggregate of \$250 or more?**

Elected and appointed executive branch officials and legislators may not accept a gift from a person, if such public servant “knows or reasonably should know that the person: (1) has or is seeking to obtain contractual or other business or financial relationships with the public servant’s agency, or (2) is seeking, for compensation, to influence the passage or defeat of legislation by the public servant’s agency.” [LA. STAT. ANN. § 42:1115\(A\)](#). There is a blanket exception for gifts valued at less than \$100 per event, and for flowers or a donation in connection with the death of a member of the immediate family of a public servant. [LA. STAT. ANN. § 42:1123\(26\)\(a\)](#). There are other standard exceptions, including for food and drink, for which the limit has increased from \$50 to \$61 in value. [LA. STAT. ANN. § 42:1115.1](#); [LA. ADMIN. CODE tit. 52 § 1703](#).

**6. Are elected and appointed executive branch officials and legislators prohibited from accepting gifts from persons other than high-risk sources in an aggregate of \$250 or more?**

There are no limits on receipt of gifts by elected executive branch officials and members of the general assembly, other than as specified above. Appointed executive branch officials may not accept a gift from any person, if such person knows or reasonably should know that such person: “(1) conducts operations or activities which are regulated by the public employee’s agency or (2) has substantial economic interests which may be substantially affected by the performance or nonperformance of the public employee’s official duty.” [LA. STAT. ANN. § 42:1115\(B\)](#).

**7. Are elected and appointed executive branch officials and legislators required to publicly disclose gifts that they receive?**

The financial disclosure statute for public officials does not require recipients to disclose any gifts. [LA. STAT. ANN. § 42:1124.2](#).

## Campaigns

### 8. Does the state require reporting of contributors to independent spenders?

Political committees that “know or anticipate that it will receive contributions or loans, or expenditures or loans, or make a transfer of funds to or receive a transfer of funds from another committee during a calendar year in the aggregate amount exceeding five hundred dollars” must report contributions of \$1,000 or more for elections for major offices and less for other elections. [LA. STAT. ANN. § 18:1491.7\(C\)](#). Political committees are entities which make independent expenditures supporting or opposing candidates in excess of \$500 per calendar year, among other activities. [LA. STAT. ANN. § 18:1483\(14\)](#). In cases where committees are formed to oppose or support ballot initiatives or recall elections, contributions of \$200 or more must be reported. [LA. STAT. ANN. § 18:1486\(C\)\(1\)](#). In each case, the reports must include the name and address of each contributor, as well as the date and amount of contributions. [LA. STAT. ANN. § 18:1491.5\(B\)\(1\)](#).

There are no provisions requiring disclosure of funders of 501(c) organizations or beneficial owners of LLCs that make contributions to independent spenders.

### 9. Does the state require disclosure of the payors of political advertisements or other electioneering communications to appear directly on the communication made through print media, broadcast media (TV, radio, etc.), and Internet-based media (Facebook, twitter, Google, other online platforms)?

If a third party is funding a political announcement or advertisement, then the name of the third-party must be displayed on the face of the advertisement, in font not less than half of the font-size of the advertisement. [LA. STAT. ANN. § 18:1505.3\(D\)\(3\)](#). The state does not require disclosures for communications made through broadcast media or Internet-based media.

## Legislators

### 10. Do legislators have to disclose client names as part of their financial disclosure reports?

Legislators do not have to disclose client names in their financial disclosure reports. [LA. STAT. ANN. § 42:1124.2\(C\)](#). They are required to disclose the name, address, type, and amount of each source of income if it is received from the “state or any political division as defined in Article VI of the Constitution of Louisiana”, or services performed for or in a connection with a gaming interest. [LA. STAT. ANN. 42:1124\(C\)\(5\)](#); *See LA. CONST. ANN. VI.*

## Appendix: Sources of Law

### Constitution

Louisiana Constitution of 1974 ([LA. CONST. ANN. VI.](#))

### Statutes

Campaign Finance Disclosure Act ([LA. STAT. ANN. §§ 18:1481, et seq.](#))

Code of Governmental Ethics ([LA. STAT. ANN. §§ 42:1101, et seq.](#))

Executive Branch Lobbying Laws ([LA. STAT. ANN. §§ 49:71, et seq.](#))

Legislative Branch Lobbying Laws ([LA. STAT. ANN. §§ 24:50, et seq.](#))

Public Officers and Employees – Terms of Office or Employment ([LA. STAT. ANN. §§ 42:1, et seq.](#))

### **Regulations**

Rules for the Board of Ethics ([LA. ADMIN. CODE tit. 52 §§ 801-808, 1002-1018, 1701-1719](#)).

### **Guidance**

Louisiana Ethics Administration Program, [The Louisiana Code of Governmental Ethics Summary \(2018\)](#).

Louisiana Ethics Administration Program, [Louisiana Board of Ethics Procedures: Filing Complaints](#).