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Legislators Should Strengthen, Not Undermine Louisiana's Ethics and Disclosure Laws

In a legislative session that should focus on the state's most pressing problems, Louisiana lawmakers are pursuing a wide-ranging rewrite of the state's ethics code that would whittle away at the minimal protections enacted to safeguard against conflicts of interest, backroom dealing and corruption.

That's the wrong message to send in a state riddled with Louisiana's long and sordid political history, particularly when polls show public trust in government is at historic lows.

Supporters of the bill say the Louisiana Board of Ethics often pursues public officials accused of the most minor infractions with an intensity that is inappropriate, costing small-town officials and others unnecessary sums to hire lawyers for inadvertent mistakes.

They say ethics officials sometimes treat the process without the sensitivity and understanding of how the hint of an ethics charge could damage reputations and political futures, sometimes for small violations that people simply didn't realize they had committed.

The Public Affairs Research Council of Louisiana agrees that tweaks to the ethics code are likely needed to adapt to changing circumstances and to address those legitimate legislative concerns.

But the response concocted by lawmakers and an attorney representing Gov. Jeff Landry in an ethics dispute is outsized for the problem. The bill would skew the law in favor of public officials accused of misconduct instead of finding an equilibrium between them and the ethics board that investigates possible violations.

House Bill 674 won unanimous support from the House on May 5. Lawmakers didn't ask a single question on the House floor about the bill before supporting it. The entire discussion and vote about such significant revisions took about three minutes. The bill now awaits debate in the Senate and Governmental Affairs Committee.

The proposal would add new hurdles for many parts of the ethics investigation process; give someone accused of a violation multiple ways to try to stymie a case to run out the clock on when charges can be filed; and require the board to consider new, unclear standards for whether to even pursue an investigation.

For example, to determine that an investigation of an allegation is warranted, two-thirds of the ethics board is supposed to determine that they are more likely than not to find a violation — even though they haven't conducted the investigation yet.

In addition, the bill would carve out new exceptions to ethics rules and allow public servants to newly take gifts up to \$400 a year without disclosure.

And the bill would expect the small ethics board staff to do the added steps without any promise of new lawyers or other employees to help with the workload.

The measure clearly aims to make it harder for the ethics board and its administrative staff to bring charges against officials. Are lawmakers trying to make it nearly impossible, though?

The extensive ethics code rewrite is advancing at the same time lawmakers are considering a similar vast redesign of the laws governing the spending and disclosure of the money candidates, political parties and others raise for politicking.

House Bill 596 would add similar hurdles for the Board of Ethics to investigate possible campaign finance violations, just as in the other ethics code bill. It also would change disclosure rules with new limits on some of the things that must be publicly reported.

These proposals come after lawmakers enacted changes last year that now allow the governor and legislators to appoint members to the Board of Ethics directly, removing a process that required board appointees to be vetted and recommended through Louisiana's private colleges.

PAR hopes that as lawmakers consider these bills, they remember they are accountable to the public they serve.

Disclosure laws and ethics restrictions may often feel cumbersome and irritating, but they help build confidence in government. Undermining those guardrails would only serve to further erode trust and make voters question what their public officials are trying to hide.