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**HOUSE BILL NO. 1136**

Offered January 24, 2000

*A BILL to amend and reenact §§ 24.2-901, 24.2-914, 24.2-915 through 24.2-919, and 24.2-924 of the Code of Virginia, relating to the Campaign Finance Disclosure Act; definitions; reports of contributions and expenditures; and filing deadlines.*

Patrons—Jones, S.C., Albo, Bryant, Landes and Nixon

Referred to Committee on Privileges and Elections

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 24.2-901, 24.2-914, 24.2-915 through 24.2-919, and 24.2-924 of the Code of Virginia are amended and reenacted as follows:**

§ 24.2-901. Definitions.

A. As used in this chapter, unless the context requires a different meaning:

"Campaign committee" means the committee designated by a candidate to receive all contributions and make all expenditures for him or on his behalf in connection with his nomination or election.

"Contribution" means money and services of any amount, and any other thing of value ~~over~~ \$100, given, advanced, promised, loaned, or in any other way provided to a candidate, campaign committee, political committee, inaugural committee, or person for the purpose of influencing the outcome of an election or defraying the costs of the inauguration of a Governor, Lieutenant Governor, or Attorney General. "Contribution" includes money, services, or things of value in any way provided by a candidate to his own campaign and the payment by the candidate of any primary filing fee.

"Expenditure" means money and services of any amount, and any other thing of value ~~over~~ \$100, paid, promised, loaned, provided, or in any other way disbursed by any candidate, campaign committee, political committee, inaugural committee, or person for the purpose of influencing the outcome of an election or defraying the costs of the inauguration of a Governor, Lieutenant Governor, or Attorney General.

"Inaugural committee" means any committee which anticipates receiving contributions or making expenditures, from other than publicly appropriated funds, for the inauguration of the Governor, Lieutenant Governor, or Attorney General and related activities.

"Independent expenditure" means an expenditure made by any person or political committee which is not made to, controlled by, coordinated with, or made upon consultation with a candidate, his campaign committee, or an agent of the candidate or his campaign committee.

"Person" means any individual or corporation, partnership, business, labor organization, membership organization, association, cooperative, or other like entity.

"Political action committee" means any organization, other than a campaign committee or political party committee, established or maintained in whole or in part to receive and expend contributions for political purposes.

"Political committee" means any state political party committee, congressional district political party committee, county or city political party committee for a county or city with a population of more than 100,000, organized political party group of elected officials, political action committee, other committee, person or group of persons which receives contributions or makes expenditures for the purpose of influencing the outcome of any election. The term shall not include: (i) a campaign committee; (ii) a political party committee exempted pursuant to § 24.2-911; or (iii) a person who receives no contributions from any source and whose only expenditures are made solely from his own funds and are either contributions made by him which are reportable by the recipient pursuant to Article 4 (§ 24.2-914 et seq.) of this chapter or independent expenditures which are reportable by him to the extent required by subsection B of § 24.2-910, or a combination of such reportable contributions and independent expenditures.

B. For the purpose of applying the filing and reporting requirements of Article 3 (§ 24.2-908 et seq.) and Article 4 of this chapter, the terms "person," "political action committee," and "political committee" shall not include an organization holding tax-exempt status under § 501 (c) (3) of the United States Internal Revenue Code which, in providing information to voters, does not advocate or endorse the election or defeat of a particular candidate, group of candidates, or the candidates of a particular political party.

§ 24.2-914. Information to be included on report of contributions and expenditures.

A. The report required by this chapter shall be filed on a form prescribed by the State Board and shall include all contributions and expenditures. All completed forms shall be submitted in typed,

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60 printed, or legibly hand printed format or as provided in § 24.2-914.1. *Reports required by this chapter*  
61 *shall be received by the State Board, local electoral board, or both, by the deadline for filing the report.*  
62 *The State Board shall provide instructions to filers for delivery of reports within the time periods*  
63 *prescribed by law.* Persons submitting the forms shall do so subject to felony penalties for making false  
64 statements pursuant to § 24.2-1016.

65 B. The report of receipts shall include:

66 1. The total number of contributors, each of whom has contributed an aggregate of \$100 or less,  
67 *including cash and in-kind contributions*, as of the date of the report, and the total amount of  
68 contributions from all such contributors;

69 2. For each contributor who has contributed an aggregate of more than \$100, *including cash and*  
70 *in-kind contributions*, as of the date of the report, the name of the contributor, listed alphabetically, the  
71 address of the contributor, the occupation, including name of employer or principal business, and the  
72 principal place of business of the contributor, the amount of the contribution included in the schedule of  
73 receipts, the aggregate amount of contributions from the contributor to date, and the date of the last  
74 contribution. For each such contributor that is a corporation or other entity, it shall be sufficient to list  
75 the address of the contributor one time on the report of receipts.

76 C. The report of disbursements shall include all expenditures and give:

- 77 1. The name and address of the person paid;  
78 2. A brief description of the purpose of the expenditure;  
79 3. The name of the person contracting for or arranging the expenditure;  
80 4. The amount of the expenditure; and  
81 5. The date of the expenditure.

82 D. Each report for a candidate shall list separately those receipts and expenditures reported to the  
83 candidate or his treasurer by any person, political committee, or political party committee pursuant to  
84 § 24.2-907 and shall set forth in each instance the source of the information reported.

85 E. The report shall list separately all loans and, for each loan, shall give:

- 86 1. The date the loan was made;  
87 2. The name and address of the person making the loan and any person who is a co-borrower,  
88 guarantor, or endorser of the loan;  
89 3. The amount of the loan;  
90 4. The date and amount of any repayment of the loan; and  
91 5. For any loan or part of a loan which is forgiven by the lender, the amount forgiven listed as both  
92 a contribution and loan repayment.

93 § 24.2-915. With whom candidates to file reports; responsibility for reporting.

94 Reports shall be filed by candidates for nomination or election (i) for statewide office, with the State  
95 Board, (ii) for the General Assembly, with the State Board and with the electoral board of the locality  
96 where the candidate resides, except as otherwise provided in § 24.2-919, and (iii) for any other office,  
97 with the electoral board of the locality in which the candidate resides.

98 It is the joint responsibility of the candidate and his treasurer that the report of a candidate be filed  
99 ~~and, that the report be in full and accurate detail, and that the report be received by the State Board,~~  
100 ~~local electoral board, or both, by the deadline for filing the report. Any report to be filed with the State~~  
101 ~~Board may be mailed. If mailed, the report must be postmarked not later than the deadline for filing,~~  
102 ~~except as provided in § 24.2-919 for certain large pre-election contributions received within seventy-two~~  
103 ~~hours of election day.~~

104 § 24.2-916. Filing schedule for candidates for office generally.

105 A candidate for any office, other than as provided in § 24.2-917 for a local office to be filled at a  
106 May general election or in § 24.2-918 for certain special elections, shall file the prescribed reports of  
107 contributions and expenditures as follows:

- 108 1. Not later than July 15 in a nonelection year for the period January 1 through June 30;  
109 2. Not later than January 15 following a nonelection year for the period July 1 through December  
110 31;  
111 3. In an election year, not later than April 15 for the period January 1 through March 31 and  
112 pursuant to subdivisions 4 through 9 of this section;  
113 4. Not later than the eighth day before the June primary date complete through the thirteenth day  
114 before the primary date;  
115 5. Not later than July 15 complete through June 30;  
116 6. Not later than September 15 complete through August 31;  
117 7. Not later than October 15 complete through September 30;  
118 8. Not later than the eighth day before the November election date complete through the thirteenth  
119 day before the election date;  
120 9. Not later than the thirtieth day after the November election date complete through the ~~twenty-third~~  
121 ~~twenty-fifth~~ day after the election date; and

10. Not later than January 15 following an election year complete through December 31, and then in accordance with subdivisions 1 and 2 or subdivisions 3 through 9, as appropriate, of this section until a final report is filed.

Any candidate shall also file the report of certain large pre-election contributions required by § 24.2-919, if applicable. The report required by subdivision 9 of this section shall not be applicable to political party committees.

§ 24.2-917. Filing schedule for candidates for offices filled at May general elections.

Any candidate for election to a local office to be filled at a May general election shall file the prescribed reports of contributions and expenditures as follows:

1. For municipal primary candidates only, not later than the eighth day before the primary date complete through the eleventh day before the primary;

2. Not later than the eighth day before the election date complete through the eleventh day before the election date;

3. Not later than June 15 of the election year complete through June 10;

4. Not later than July 15 of the election year complete through June 30; and

5. Not later than the following January 15 complete through December 31 and annually thereafter until a final report is filed as provided in § 24.2-920.

Any candidate shall also file the report of certain large pre-election contributions required by § 24.2-919, if applicable.

§ 24.2-918. Filing requirements for special elections.

A. Candidates for nomination or election to an office to be filled by a special election held on a regular election date shall file the prescribed reports of contributions and expenditures which apply to regularly scheduled elections for that office.

B. In the case of a special election held on a date other than a regularly scheduled general election, the candidate shall file as follows:

1. A report not later than the eighth day before the special election date complete through the eleventh day before that date;

2. The reports required by § 24.2-919;

3. A post-election report no later than the thirtieth day after the election and prior to taking office; and

4. A post-election report not later than January 15 and July 15 each year until a final report is filed as provided in § 24.2-920.

§ 24.2-919. Special report required of certain large pre-election contributions.

A. Except as provided in subsection B, any single contribution of more than \$1,000 for a statewide office or more than \$500 for any other office, knowingly received or reported by the candidate or his treasurer on behalf of his candidacy (i) between the thirteenth day preceding a June primary and the primary date, (ii) between the thirteenth day preceding a November election and the election date, or (iii) between the eleventh day preceding any other election in which the individual is a candidate and the election day, shall be reported ~~in writing, and the report received by the State Board or local electoral board, as appropriate,~~ within ~~seventy-two~~ twenty-four hours; however, any such contribution received within the ~~seventy-two~~ twenty-four hours prior to the election day shall be reported and a report thereof received ~~no later than~~ on the day prior to the election. Statewide and General Assembly candidates shall file all reports required by this section with the State Board and with the electoral board of the locality where the candidate resides. Any candidate for a constitutional or local office shall file such reports with the electoral board of the locality where the candidate resides. Any contribution reported pursuant to this section shall also be reported on the first report required by this article after any election.

B. The reports required by subsection A of this section shall also be required of any candidate for nomination by a political party to serve as the party's nominee in a general or special election if (i) the party nominates by convention or any method other than a primary and (ii) there are at least two candidates for nomination pursuant to the rules and procedures of the party. In such case, candidates for nomination shall be required to file the reports required by subsection A for the thirteen-day or eleven-day period, as specified by subsection A, immediately preceding:

1. The caucus, mass meeting, convention, or other nominating event at which the party's nomination shall be finally determined pursuant to the rules and procedures of the party; and

2. Any caucus, mass meeting, convention, or other nominating event, other than that at which the party's nomination shall be finally determined, at which delegates are chosen who are pledged to support a specified candidate on at least one ballot at a subsequent district or state convention required as part of the nominating process.

No report shall be required pursuant to this subsection if the candidate is or has become, by virtue of the withdrawal of any opponent or the operation of the rules and procedures of the party, unopposed for

183 nomination at the time such report otherwise would be required to be made.

184 § 24.2-924. Filing schedule for inaugural fund committees.

185 An inaugural fund committee shall file the prescribed reports of contributions and expenditures as  
186 follows:

187 1. Not later than March 15 5 immediately following the inauguration for all contributions and  
188 expenditures made prior to the preceding March 1;

189 2. Not later than July 15 5 of the inauguration year complete through June 30;

190 3. Not later than the following January 15 5 complete through December 31; and

191 4. Annually thereafter until a final report is filed.

192 The final report shall set forth (i) all receipts and disbursements not previously reported, (ii) an  
193 accounting of the retirement of all debts, and (iii) the disposition of all surplus funds. The final report  
194 shall include a termination statement, signed by an officer of the committee, that all reporting is  
195 complete and final.