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HOUSE BILL NO. 720

Offered January 21, 2000

A BILL to amend and reenact §§ 24.2-914.1, 24.2-915, and 24.2-929 of the Code of Virginia, relating to campaign finance disclosure reports; penalties.

Patrons—Cox, Albo, Baskerville, Bloxom, Broman, Bryant, Byron, Callahan, Cantor, Day, Devolites, Dillard, Drake, Dudley, Griffith, Howell, Joannou, Johnson, Jones, S.C., Kilgore, Landes, Louderback, Marshall, O'Brien, Plum, Pollard, Putney, Rhodes, Ruff, Rust, Sherwood, Spruill, Stump, Suit, Van Landingham and Wardrup; Senators: Colgan, Forbes, Lambert, Newman, Rerras and Whipple

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-914.1, 24.2-915, and 24.2-929 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-914.1. Standards and requirements for electronic preparation and transmittal of campaign finance disclosure reports; database.

A. By January 1, 1998, the State Board of Elections shall review or cause to be developed and shall approve standards for the preparation, production, and transmittal by computer or electronic means of the reports of contributions and expenditures required by this article (§ 24.2-914 et seq.). The State Board may prescribe the method of execution and certification of electronically filed statements and the procedures for receiving statements in the office of the State Board *or by the local electoral boards*.

B. Prior to January 1, 1999, the State Board may accept, and on and after January 1, 1999, the State Board shall accept, any report of contributions and expenditures filed by candidates for the General Assembly, Governor, Lieutenant Governor, and Attorney General by computer or electronic means in accordance with the standards approved by the State Board and using software meeting standards approved by it. The State Board may provide software to filers without charge or at a reasonable cost.

C. On and after January 1, 1999, the State Board shall enter or cause to be entered into a campaign finance database, available to the public through the global information system known as the Internet, the information from required reports of contributions and expenditures filed by computer or electronic means by candidates for the General Assembly, Governor, Lieutenant Governor, and Attorney General and may enter or cause to be entered into that database information from required disclosure statements filed by those candidates by other methods. On and after January 1, 2001, the State Board shall enter or cause to be entered into a campaign finance database, available to the public through the global information system known as the Internet, the information from required reports of contributions and expenditures filed by computer, electronic, or other means by candidates for the General Assembly, Governor, Lieutenant Governor, and Attorney General.

D. Candidates for Governor, Lieutenant Governor, and Attorney General shall file by computer or electronic means in accordance with the standards approved by the State Board the reports required by this article. Candidates for the General Assembly may file the reports required by this article with the State Board ~~and local electoral boards~~ by computer or electronic means in accordance with the standards approved by the State Board ~~and subject to the ability of the local electoral board to receive such computer or electronic filings, and such computer or electronic filing with the State Board shall fulfill any requirement for filing that report with a local electoral board.~~ This information shall be made available to the public promptly by the State Board through the global information system known as the Internet.

E. Other committee reports required by this chapter to be filed with the State Board may be filed electronically on terms agreed to by the committee and Board.

F. *A local electoral board may accept any report of contributions and expenditures filed by a candidate for local office, and required to be filed with that board, by computer or electronic means in accordance with the standards approved by the State Board and using software meeting standards approved by the Board. This information shall be made available to the public promptly by the electoral board through the global information system known as the Internet.*

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

Reports shall be filed by candidates for nomination or election (i) for statewide office, with the State Board, (ii) for the General Assembly, with the State Board and with the electoral board of the locality where the candidate resides, except as otherwise provided in §§ 24.2-914.1 or 24.2-919, and (iii) for any other office, with the electoral board of the locality in which the candidate resides.

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60 It is the joint responsibility of the candidate and his treasurer that the report of a candidate be filed
61 and that the report be in full and accurate detail. Any report to be filed with the State Board may be
62 mailed. If mailed, the report must be postmarked not later than the deadline for filing, except as
63 provided in § 24.2-919 for certain large pre-election contributions received within seventy-two hours of
64 election day.

65 § 24.2-929. Penalties for violations of chapter.

66 A. Any person who violates, or aids, abets, or participates in the violation of, this chapter shall be
67 subject to a civil penalty not to exceed fifty dollars, except in the case of violation of Article 4
68 (§ 24.2-914 et seq.) of this chapter which relates to the filing of, or the failure to file, a report due
69 within the ~~one hundred twenty days~~ 120 before or the thirty-five days after a November general election
70 date, in which case he shall be subject to a civil penalty not to exceed \$300. In the case of a willful
71 violation, he shall be guilty of a Class 1 misdemeanor. The attorney for the Commonwealth shall initiate
72 civil proceedings to enforce the civil penalty provided herein. Any civil penalties collected shall be
73 payable to the State Treasurer for deposit to the general fund. The statute of limitations applicable to a
74 violation of this chapter is stated in § 19.2-8. There shall be a rebuttable presumption that the violation
75 of this chapter was willful if the violation is based on a person's failure to file a report required by this
76 chapter and his failure to file continues for more than sixty days following his actual receipt of written
77 notice of his failure to file sent to him by certified mail, return receipt requested, by the State Board or
78 an electoral board.

79 B. Prior to assessing a penalty pursuant to this section *for the filing of an incomplete report*, the
80 Secretary of the State Board *or the secretary of the local electoral board* shall notify, in writing, the
81 candidate and treasurer, or person or political committee required to file a report *with that board*, that a
82 filed report has not been completed, citing the omissions from the report. No penalty shall be assessed if
83 the information required to complete the report is filed within ten days of the date of mailing the written
84 notice.

85 C. If the information required to complete the report is not filed within the ten-day period, the
86 Secretary *of the State Board or the secretary of the local electoral board* shall then assess against the
87 candidate and treasurer, who shall be jointly and severally liable, or person or political committee
88 required to file a report, a civil penalty not to exceed \$300. The Secretary *of the State Board or the*
89 *secretary of the local electoral board* may grant an additional period for compliance, not to exceed two
90 weeks, to permit the completion of a filed report for good cause shown and in response to a request
91 filed within the ten-day period. However, no additional period shall be granted thereafter for compliance.

92 D. ~~For any report required to be filed between July 1, 1994, and the effective date of this act, the~~
93 ~~State Board shall give the notice required by subsection B of this section prior to assessing any civil~~
94 ~~penalty. If a penalty has been assessed for any such report and no appeal of that penalty has been~~
95 ~~received, the State Board shall notify the candidate and treasurer, or person or political committee, who~~
96 ~~filed the report that an appeal may be filed within ten days of the date of mailing of the notice by the~~
97 ~~State Board. The additional periods for filing specified in subsections B and C shall apply only to the~~
98 ~~completion of a timely filed report and not to any case of a failure to file a required report by the~~
99 ~~deadline specified in this chapter.~~

100 E. In the case of a failure to file the report of any large preelection contribution required by
101 § 24.2-919, or the late or incomplete filing of such a report, there shall be a rebuttable presumption that
102 the violation was willful. The provisions of subsections B, ~~and C, and D~~ of this section shall not apply
103 to reports required by § 24.2-919.

104 F. *No local electoral board may assess a penalty under this section against a candidate for the*
105 *General Assembly or his treasurer or committee.*