

**VIRGINIA ACTS OF ASSEMBLY — CHAPTER**

*An Act to amend and reenact §§ 24.2-910, 24.2-914, 24.2-915, 24.2-927, and 24.2-928 of the Code of Virginia, relating to the Campaign Finance Disclosure Act; candidate and committee report filing requirements and deadlines; penalties; waiver of penalties in certain cases.*

[S 586]

Approved

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

**1. That §§ 24.2-910, 24.2-914, 24.2-915, 24.2-927, and 24.2-928 of the Code of Virginia are amended and reenacted as follows:**

§ 24.2-910. Persons and political committees required to file disclosure reports.

A. Any political committee required to file a statement of organization by § 24.2-908 shall be required to maintain records and file disclosure reports as provided in Article 4 (§ 24.2-914 et seq.) of this chapter. *Any report required to be filed by a political committee with the State Board shall be deemed to be filed by the deadline for the report if it is mailed and postmarked not later than the deadline for filing the report.*

B. Any person who is not a political committee and who makes independent expenditures, in the aggregate, in excess of \$500 for a statewide election or \$200 for any other election shall maintain records and report pursuant to Article 4 of this chapter all such independent expenditures including:

1. Any funds expended for the purpose of influencing the outcome of any election for public office; and

2. Any funds expended to publish or broadcast to the public any material referring to a candidate by name, description, or other reference and (i) advocating his election or defeat, (ii) setting forth his position on any public issue, voting record, or other official acts, or (iii) otherwise designed to influence individuals to cast their votes for or against him or to withhold their votes from him.

§ 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, printed, or legibly hand printed format or as provided in § 24.2-914.1. *Except as provided by § 24.2-910 for certain political committees*, reports required by this chapter shall be received by the State Board, local electoral board, or both, by the deadline for filing the report. The State Board shall provide instructions to filers for delivery of reports within the time periods prescribed by law. Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § 24.2-1016.

B. The report of receipts shall include:

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

2. For each contributor who has contributed an aggregate of more than \$100, including cash and in-kind contributions, as of the date of the report, the name of the contributor, listed alphabetically, the address of the contributor, the amount of the contribution included in the schedule of receipts, the aggregate amount of contributions from the contributor to date, and the date of the last contribution. For each such individual contributor, the occupation of the contributor, the name of his employer or principal business, and the locality where employed or where his business is located. For each such contributor, other than an individual, the place of business and principal business activity of the contributor. For each such contributor other than an individual, it shall be sufficient to list the address of the contributor one time on the report of receipts.

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

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

The report of disbursements shall itemize any expenditure made by credit card payment.

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

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

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

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

Electronic reports shall be filed by candidates for nomination or election for statewide office and the General Assembly with the State Board. Nonelectronic reports for the General Assembly shall be filed with the State Board and with the electoral board of the locality where the candidate resides, except as otherwise provided in § 24.2-919. Except as provided in § 24.2-906.1, candidates for any other office shall file with the electoral board of the locality in which the candidate resides.

It is the joint responsibility of the candidate and his treasurer that the report of a candidate be filed, that the report be in full and accurate detail, and that the report be received by the State Board, local electoral board, or both, by the deadline for filing the report. Any report to be filed with the State Board may be mailed subject to the requirements of § 24.2-919 for certain large preelection contributions. *Except as provided in § 24.2-910 for certain political committees*, if mailed, the report shall be (i) received by the State Board by the deadline for filing the report or (ii) transmitted to the State Board by telephonic transmission to a facsimile device by the deadline for filing the report with an original copy of the report mailed to the State Board and postmarked by the deadline for filing the report.

§ 24.2-927. Failure to report or filing of late report a violation; certain extensions.

Either the failure to file any report or the late filing of any report required by this article shall constitute a violation of this chapter subject to the penalties provided in §§ 24.2-929 and 24.2-930. Notwithstanding any other provision of law, any candidate or treasurer required to file a report pursuant to this article shall be entitled to a seventy-two-hour extension of the filing deadline if his spouse, parent, grandparent, child, grandchild or sibling died within the seventy-two hours before the deadline. The State Board or the local electoral board shall be authorized to grant an extension of the filing deadline for a period not to exceed five days ~~in the case of an emergency~~ *for good cause shown by the filer* and found by the Board or board sufficient to justify the granting of the extension.

§ 24.2-928. Reporting of certain violations; penalties.

A. It shall be the duty of the State Board to report any violation of the provisions of Article 4 (§ 24.2-914 et seq.) of Chapter 9 of this title to the appropriate attorney for the Commonwealth. The State Board shall report to the attorney for the Commonwealth of the City of Richmond in the case of reporting requirements for statewide campaigns and for political committees and to the attorney for the Commonwealth of the county or city of the residence of a candidate for the General Assembly. If all the officers of a political committee are residents of one county or city as shown on the statement of organization filed by the committee pursuant to § 24.2-908, the State Board shall report violations for that political committee to the attorney for the Commonwealth of that county or city.

B. It shall be the duty of the electoral board of a county or city to report any violation of the provisions of Article 4 (§ 24.2-914 et seq.) of Chapter 9 of this title relating to the filing of reports with the electoral board to the attorney for the Commonwealth for the county or city in which the electoral board has jurisdiction.

C. In order to fulfill the duty to report violations pursuant to subsections A and B, the Board shall establish and implement a system for receiving, cataloging, and reviewing reports filed pursuant to the provisions of Article 4 (§ 24.2-914 et seq.) of Chapter 9 of this title and for verifying that reports are complete and submitted on time. As part of the system referred to in this subsection, the general registrar for each county and city, or the secretary of the electoral board in any county or city in which the electoral board chooses to perform the duties stated in this subsection, shall be required, in accordance with instructions provided by the Board, to receive, catalog, and review the reports filed with the local electoral board and to verify that the reports are complete and submitted on time. The State Board, or the general registrar or secretary of the electoral board, in accordance with the instructions of the State Board, shall notify, no later than seven days after the report due date, any person submitting an incomplete report of the need for additional information. The State Board, or the general registrar or secretary of the electoral board in accordance with the instructions of the State Board, may request additional information to correct obvious mathematical errors and to fulfill the requirements for information on the reports.

D. The State Board, and the general registrar or secretary of the electoral board in accordance with the instructions of the State Board, (i) shall assess and collect the civil penalties provided in § 24.2-929 and (ii) if unable to collect the penalty, shall report the violation to the appropriate attorney for the

118 Commonwealth for enforcement. Each locality shall advise the State Board of penalties assessed,  
119 collected and reported to the attorney for the Commonwealth.

120 E. *In the case of any committee, that is required to file a statement of organization pursuant to*  
121 *§ 24.2-908 but excluding campaign committees, the State Board shall be authorized to waive a penalty*  
122 *that has been assessed if the filer demonstrates that there exists good cause to waive the penalty.*

123 F. No local electoral board shall be required to retain any reports longer than one year from the date  
124 of filing the final report required by §§ 24.2-915 through 24.2-920 and 24.2-923, or any successor  
125 provision thereto, or the next general election for the office to which the report relates, whichever is  
126 later, unless a court of competent jurisdiction shall order their retention for a longer period.

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