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HOUSE BILL NO. 2386

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Privileges and Elections
on January 19, 2007)

(Patron Prior to Substitute—Delegate May)

A BILL to amend and reenact §§ 24.2-946.1, 24.2-947.1, 24.2-947.5, and 24.2-947.9 of the Code of Virginia, relating to campaign finance disclosure; filings of candidate reports.

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-946.1, 24.2-947.1, 24.2-947.5, and 24.2-947.9 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-946.1. Standards and requirements for electronic preparation and transmittal of campaign finance disclosure reports; database.

A. The State Board shall review or cause to be developed and shall approve standards for the preparation, production, and transmittal by computer or electronic means of campaign finance reports required by this chapter. The State Board may prescribe the method of execution and certification of and the procedures for receiving electronically filed campaign finance reports required by this chapter in the office of the State Board or any local electoral board. The State Board may provide campaign finance report-creation software to filers without charge or at a reasonable cost.

B. The State Board shall accept any campaign finance report filed by candidates for the General Assembly and statewide office by computer or electronic means in accordance with the standards approved by the Board and using software meeting standards approved by it. This information shall be made available to the public promptly by the Board through the Internet.

C. ~~A local electoral board may accept campaign finance reports filed by computer or electronic means from any candidate or political committee that is required to file reports with that board. By July 1, 2007, the State Board of Elections shall develop and implement a centralized system to accept reports from any candidate for local or constitutional office.~~ Such reports shall be filed in accordance with, and using software that meets, standards approved by the State Board. ~~The electoral board~~ State Board shall promptly ~~notify the electoral board of the locality in which a candidate resides and make the information that it accepts in this manner available to the public through the Internet contained in the report available to the electoral board.~~

D. The State Board shall enter or cause to be entered into a campaign finance database, available to the public through the Internet, the information from required campaign finance reports filed by computer, electronic, or other means by candidates for the General Assembly and statewide office.

E. Other campaign finance reports required by this chapter to be filed by a committee with the State Board or a local electoral board, or both, may be filed electronically on terms agreed to by the committee and the Board.

§ 24.2-947.1. Statement of organization.

A. Any individual seeking or campaigning for an office of the Commonwealth or one of its governmental units in a party nomination process or general, primary, or special election, shall file a statement of organization within 10 days of meeting any one of the following conditions:

1. Acceptance of a contribution;
2. Expenditure of any funds;
3. The payment of a filing fee for any party nomination method;
4. The filing of a candidate statement of qualification pursuant to § 24.2-501; or
5. The appointment of a campaign treasurer, designation of a campaign committee, or designation of a campaign depository.

B. ~~The individual shall file the statement with the State Board, if a candidate for statewide office, with the State Board and a copy with the local electoral board of the candidate's residence if a candidate for the General Assembly, or with the local electoral board, if a candidate for local or constitutional office.~~ Candidates for statewide office shall file the statement with the State Board. Candidates for the General Assembly shall file the statement with the State Board and a copy of the statement with the local electoral board of the candidate's residence. Candidates for local or constitutional office shall file the statement with the local electoral board and, if the statement indicates that the candidate committee will be filing electronically, a copy with the State Board.

C. The statement of organization shall include the following information:

1. The full name and residence address of the candidate;
2. The full name and mailing address for the campaign committee;
3. The full name, residence address, and daytime phone number of the treasurer;
4. The office being sought and district, if any, for the office;

60 5. The recognized political party affiliation of the candidate for statewide office or the General
61 Assembly. In the absence of any political party affiliation, independent shall be used;

62 6. The name of the financial institution for his campaign depository; and

63 7. Such other information as shall be required by the State Board except that the account number for
64 a designated depository account shall not be required.

65 D. In the case of any candidate who seeks election for successive terms in the same office, the
66 statement of organization filed by the candidate shall continue in effect for such successive elections, but
67 the candidate shall file notice of any changes in the information provided on the form within 10 days of
68 the change with the State Board, local electoral board, or both, as appropriate.

69 § 24.2-947.5. With whom candidates file reports.

70 A. Candidates for statewide office shall file the reports required by this article by computer or
71 electronic means in accordance with the standards approved by the State Board.

72 B. Candidates for the General Assembly may file reports required by this article with the State Board
73 by computer or electronic means in accordance with the standards approved by the State Board.
74 Nonelectronic reports for the General Assembly shall be filed with the State Board and with the
75 electoral board of the locality where the candidate resides.

76 C. Except as provided in § 24.2-948.1, candidates for any other office *who file reports in*
77 *nonelectronic format* shall file with the electoral board of the locality in which the candidate resides.
78 *Beginning July 1, 2007, candidates for local or constitutional office may file reports required by this*
79 *article with the State Board by computer or other electronic means in accordance with standards*
80 *approved by the State Board. Candidates who file by electronic means with the State Board do not have*
81 *to file reports with the electoral board of the locality in which the candidate resides.*

82 D. Any report that may be filed with the State Board by mail shall be (i) received by the State
83 Board by the deadline for filing the report or (ii) transmitted to the State Board by telephonic
84 transmission to a facsimile device by the deadline for filing the report with an original copy of the
85 report mailed to the State Board and postmarked by the deadline for filing the report.

86 § 24.2-947.9. Special report required of certain large pre-election contributions.

87 A. Any contribution reported pursuant to this section shall also be reported on the first report
88 required by this article after any election.

89 B. ~~Statewide and General Assembly candidates shall file all reports required by this section with the~~
90 ~~State Board and with the electoral board of the locality where the candidate resides. Any candidate for a~~
91 ~~constitutional or local office shall file such reports with the electoral board of the locality where the~~
92 ~~candidate resides.~~

93 C. Except as provided in subsection D C, any single contribution of \$5,000 or more for a statewide
94 office, \$1,000 or more for the General Assembly, or \$500 or more for any other office, knowingly
95 received or reported by the candidate or his treasurer on behalf of his candidacy (i) on and after the
96 twelfth day preceding a primary and before the primary date, (ii) on and after the twelfth day preceding
97 a general election and before the general election date, or (iii) on and after the eleventh day preceding
98 any other election in which the individual is a candidate and before the election day, shall be reported in
99 writing as provided in § 24.2-947.4 or electronically pursuant to § 24.2-946.1, and the report shall be
100 received by the State Board or local electoral board, as appropriate, by 5:00 p.m. on the following day
101 or for a contribution received on a Saturday by 5:00 p.m. on the following Monday. However, any such
102 contribution received within the 24 hours prior to the election day shall be reported and a report thereof
103 received on the day prior to the election.

104 D C. The reports required by subsection E B of this section shall also be required of any candidate
105 for nomination by a political party to serve as the party's nominee in a general or special election if (i)
106 the party nominates by convention or any method other than a primary and (ii) there are at least two
107 candidates for nomination pursuant to the rules and procedures of the party. In such case, candidates for
108 nomination shall be required to file the reports required by subsection E B for the 12-day or 11-day
109 period, as specified by subsection E B, immediately preceding:

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

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

116 E D. No report shall be required pursuant to subsection D C if the candidate is or has become, by
117 virtue of the withdrawal of any opponent or the operation of the rules and procedures of the party,
118 unopposed for nomination at the time such report otherwise would be required to be made.

119 **2. That the provisions of this act shall not become effective unless the funds necessary to**
120 **implement its provisions are appropriated or adequate programming is made available for a**
121 **centralized system to accept reports pertaining to local offices.**