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HOUSE BILL NO. 1162

Offered January 9, 2008

Prefiled January 9, 2008

A BILL to amend and reenact §§ 24.2-947.6 through 24.2-947.9, 24.2-948.1, and 24.2-953.1 of the Code of Virginia and to repeal § 24.2-948, relating to campaign finance disclosure requirements; special reports of certain large contributions by candidates for elected office.

Patron—Saxman

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-947.6 through 24.2-947.9, 24.2-948.1, and 24.2-953.1 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-947.6. Filing schedule for candidates for office; November elections.

A. Any candidate for any office to be filed at a November general election, shall file the prescribed campaign finance reports as follows:

1. Not later than July 15 in a nonelection year for the period January 1 through June 30;

2. Not later than January 15 following a nonelection year for the period July 1 through December 31;

3. In an election year, not later than April 15 for the period January 1 through March 31 and pursuant to subdivisions 4 through 9 of this section;

4. Not later than the eighth day before the primary date complete through the thirteenth day before the primary date;

5. Not later than July 15 complete through June 30;

6. Not later than September 15 complete through August 31;

7. Not later than October 15 complete through September 30;

8. Not later than the eighth day before the November election date complete through the thirteenth day before the election date;

9. Not later than the thirtieth day after the November election date complete through the twenty-third 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 A 1 and A 2 or subdivisions A 3 through A 9, as appropriate, of this subsection until a final report is filed.

B. Any candidate, who was subject to the election year filing schedule set out in subdivisions A 3 through A 9 and who has not filed a final report, shall file reports in any subsequent election year for the same office in accordance with the election year filing schedule set out in subdivisions A 3 through A 9.

C. Any candidate shall also file any report of certain large contributions required by § 24.2-947.9 or 24.2-948, if applicable.

§ 24.2-947.7. Filing schedule for candidates for office; May elections.

A. Any candidate for election to a local office to be filled at a May general election shall file the prescribed campaign finance reports 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 semiannually thereafter, not later than July 15 complete through June 30 and not later than January 15 complete through December 31, until a final report is filed.

B. Any candidate, who was subject to the election year filing schedule set out in subdivisions A 1 through A 5 and who has not filed a final report, shall file reports in any subsequent election year for the same office in accordance with the election year filing schedule set out in subdivisions A 1 through A 5.

C. Any candidate shall also file any report of certain large contributions required by § 24.2-947.9 or 24.2-948, if applicable.

§ 24.2-947.8. Filing requirements for special elections.

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HB1162

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

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

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

66 2. A postelection report no later than the thirtieth day after the election and prior to taking office;
67 and

68 3. A postelection report not later than January 15 and July 15 each year until a final report is filed.

69 C. Any candidate, who has been subject to the election year filing schedule set out in subdivisions B
70 1 through B 3 and who has not filed a final report, shall file reports in any subsequent election year for
71 the same office in accordance with the election year filing schedule set out in § 24.2-947.6 or 24.2-947.7
72 as appropriate for that office.

73 D. Any candidate shall also file any report of certain large contributions required by § 24.2-947.9 or
74 24.2-948, if applicable.

75 § 24.2-947.9. Special report required of certain large contributions.

76 A. Any contribution reported pursuant to this section shall also be reported on the ~~first~~ *next periodic*
77 report required by this article ~~after any election~~.

78 B. Except as provided in subsection C, any single contribution of ~~\$5,000 or more for a statewide~~
79 ~~office, \$1,000 or more for the General Assembly, or \$500~~ \$250 or more for any other office, knowingly
80 received or reported by the candidate or his treasurer on behalf of his candidacy (i) ~~on and after the~~
81 ~~twelfth day preceding a primary and before the primary date, (ii) on and after the twelfth day preceding~~
82 ~~a general election and before the general election date, or (iii) on and after the eleventh day preceding~~
83 ~~any other election in which the individual is a candidate and before the election day, shall be reported in~~
84 writing as provided in § 24.2-947.4 or electronically pursuant to § 24.2-946.1, and the report shall be
85 received by the State Board or local electoral board, as appropriate, by 5:00 p.m. on the following day
86 or for a contribution received on a Saturday by 5:00 p.m. on the following Monday. However, any such
87 contribution received within the 24 hours prior to the election day shall be reported and a report thereof
88 received on the day prior to the election.

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

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

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

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

104 § 24.2-948.1. Exemption from reporting requirements for certain candidates for local office.

105 A. This section shall apply to candidates for local office. A candidate for local office may seek an
106 exemption from the requirements for filing campaign finance disclosure reports set out in this chapter
107 except for the filing requirements of §§ 24.2-945.2, 24.2-947.1, 24.2-947.9, 24.2-948, and 24.2-948.4
108 pertaining to certain independent expenditures, the statement of organization, large contributions, and the
109 filing of a final report. The request for an exemption shall be filed with the electoral board of the
110 county or city where the candidate resides on a form prescribed by the State Board and in accordance
111 with instructions by the State Board for the time for filing and the process for approval by the electoral
112 board.

113 B. To qualify for an exemption, the candidate shall certify on the form that (i) he has not and will
114 not solicit or accept any contribution from any other person or political committee during the course of
115 his campaign, (ii) he has not and will not contribute to his own campaign more than \$1,000, (iii) he has
116 not and will not expend more than \$1,000 in the course of his campaign, and (iv) that he has complied
117 and will comply with the requirements of this chapter. This certification shall apply for the duration of
118 the campaign until the filing of a final report in compliance with § 24.2-948.4 after the election. A
119 candidate may rescind his certification and exemption at any time during the campaign and shall file in
120 accordance with the appropriate filing schedule thereafter, provided that the candidate rescinds his

certification prior to engaging in the activities described in clauses (i), (ii), and (iii) of this subsection. The first report filed shall account for all prior contributions and expenditures pertaining to his campaign.

C. Any candidate who has qualified for an exemption from reporting requirements pursuant to this section shall not be permitted to qualify for any office, enter upon the duties thereof, or receive any salary or emoluments therefrom until a final report has been filed that details all financial activity of the candidate's campaign and states that all reporting for the nomination and election is complete and final. No officer authorized by the laws of the Commonwealth to issue certificates of election shall issue one to any person determined to be elected to any such office, until copies of the final report cited above have been filed as required in this chapter.

D. A candidate who has a current exemption under the provisions of this section, or who is otherwise exempt from reporting contributions and expenditures under this chapter, may purchase voter lists from the State Board under the provisions of §§ 24.2-405 and 24.2-406 with a check drawn on the candidate's personal account.

§ 24.2-953.1. Failure to file the required reports.

A. In the case of a failure to file the statement of organization for a candidate campaign committee or political committee required by this chapter, there shall be a civil penalty not to exceed \$500.

B. In the case of the failure to file a required report, the candidate campaign committee or political committee shall be assessed a civil penalty not to exceed \$500. In the case of a second or any subsequent such violation pertaining to one election cycle, the candidate campaign committee or political committee shall be assessed a civil penalty of \$1,000 for each such failure to file.

C. In the case of a failure to file the report of any large ~~pre-election~~ contribution required by § 24.2-947.9 or a large contribution report required by ~~§ 24.2-948~~, there shall be a rebuttable presumption that the violation was willful.

2. That § 24.2-948 of the Code of Virginia is repealed.