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HOUSE BILL NO. 353

Offered January 9, 2008

Prefiled January 4, 2008

A BILL to amend and reenact §§ 24.2-947.4, 24.2-949.5, and 24.2-949.9:2 of the Code of Virginia, relating to campaign finance information and reporting of designated contributions via political action committees.

 Patron—Cole

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-947.4, 24.2-949.5, and 24.2-949.9:2 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-947.4. Information to be included on campaign finance reports for campaign committees.

A. The reports required by this article shall be filed on a form prescribed by the State Board and shall include all financial activity of the campaign committee. All completed forms shall be submitted in typed, printed, or legibly hand printed format or electronically as provided in § 24.2-946.1. 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 ending date of the report, the campaign committee shall itemize each contributor on the report and list the following information:

- a. the name of the contributor, listed alphabetically,
- b. the mailing address of the contributor,
- c. the amount of the contribution,
- d. the aggregate amount of contributions from the contributor to date,
- e. the date of the contribution,
- f. the occupation of the contributor,
- g. the name of his employer or principal business, and
- h. the city and state where employed or where his business is located.

For each such contributor, other than an individual, the principal type of business and place of business of the contributor shall be substituted for subdivisions f and g, respectively. 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.

3. *For each designated contribution received by the campaign committee from a political action committee, out-of-state political committee, or federal political action committee, the campaign committee shall list the name of the person who designated the contribution and provide the information required by this subsection. The political action committee, out-of-state political committee, or federal political action committee shall be listed as the entity that was the conduit for the person's designated contribution. In determining aggregate contributions, the designated contribution shall be reported as a contribution from the person who designated the contribution.*

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, campaign committee, or political committee pursuant to subsection D of § 24.2-947.3, and in the case of in-kind contributions, shall set forth in each instance the source of the information reported.

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

1. The date the loan was made;

59 2. The name and address of the person making the loan and any person who is a co-borrower,
60 guarantor, or endorser of the loan;

61 3. The amount of the loan;

62 4. The date and amount of any repayment of the loan; and

63 5. For any loan or part of a loan that is forgiven by the lender, the amount forgiven listed as both a
64 contribution and loan repayment.

65 F. The State Board shall provide for a "no activity" report that may be filed for any reporting period
66 in which the filer has no activity to report.

67 G. It is the joint responsibility of the candidate and his treasurer that the report of a candidate be
68 filed, that the report be in full and accurate detail, and that the report be received by the State Board,
69 local electoral board, or both, by the deadline for filing the report.

70 § 24.2-949.5. Information to be included on campaign finance reports for political action committees.

71 A. The reports required by this article shall be filed on a form prescribed by the State Board and
72 shall include all financial activity of the political action committee. All completed forms shall be
73 submitted in typed, printed, or legibly hand printed format or electronically as provided in § 24.2-946.1.
74 Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant
75 to § 24.2-1016.

76 B. The report of receipts shall include:

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

80 2. For each contributor who has contributed an aggregate of more than \$100, including cash and
81 in-kind contributions, as of the ending date of the report, the political action committee shall itemize
82 each contributor on the report and list the following information:

83 a. the name of the contributor, listed alphabetically,

84 b. the mailing address of the contributor,

85 c. the amount of the contribution,

86 d. the aggregate amount of contributions from the contributor to date,

87 e. the date of the last contribution,

88 f. the occupation of the contributor,

89 g. the name of his employer or principal business, and

90 h. the locality where employed or where his business is located.

91 For each such contributor, other than an individual, the principal type of business and place of
92 business of the contributor shall be substituted for subdivisions f and g, respectively. For each such
93 contributor other than an individual, it shall be sufficient to list the address of the contributor one time
94 on the report of receipts.

95 C. *The report of receipts shall also include each contribution received by the committee and*
96 *designated in writing, orally, or otherwise by the contributor for the election of a specified candidate or*
97 *candidates. Upon transfer of a designated contribution to a designated candidate's campaign committee,*
98 *the committee shall provide information to the campaign committee to identify the contributor as*
99 *provided by § 24.2-947.4.*

100 ~~CD.~~ The report of disbursements shall include all expenditures and give:

101 1. The name and address of the person paid;

102 2. A brief description of the purpose of the expenditure;

103 3. The name of the person contracting for or arranging the expenditure;

104 4. The amount of the expenditure; and

105 5. The date of the expenditure.

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

107 ~~DE.~~ Each report for a political action committee shall list separately those receipts and expenditures
108 reported to the treasurer or other officer of the committee by any person, candidate campaign committee,
109 or political committee, pursuant to subsection B of § 24.2-949.4, and in the case of in-kind
110 contributions, shall set forth in each instance the source of the information reported.

111 ~~EF.~~ The report shall list separately all loans, and for each loan, shall give:

112 1. The date the loan was made;

113 2. The name and address of the person making the loan and any person who is a co-borrower,
114 guarantor, or endorser of the loan;

115 3. The amount of the loan;

116 4. The date and amount of any repayment of the loan; and

117 5. For any loan or part of a loan that is forgiven by the lender, the amount forgiven listed as both a
118 contribution and loan repayment.

119 ~~FG.~~ The State Board shall provide for a "no activity" report that may be filed for any reporting
120 period in which the filer has no activity to report.

GH. It is the responsibility of the treasurer that the report for the political action committee be filed and that the report be in full and accurate detail.

§ 24.2-949.9:2. Out-of-state political committees; reporting requirements.

A. The provisions of this section are applicable only to out-of-state political committees.

B. After the committee has met the requirements of § 24.2-949.9:1 and upon making any contribution to a candidate campaign committee or political committee registered in Virginia, the committee shall report its contributions and contributors in accordance with subsection C to the State Board of Elections by computer or electronic means as prescribed in § 24.2-946.1.

C. The report required by subsection B shall include (i) a report of the contributions the committee has made to candidate campaign committees or political committees in the Commonwealth since the filing of a report of its contributions pursuant to subsection D of § 24.2-949.9:1 or this subsection during the period covered by the report and (ii) a list of each contributor who has contributed to the committee \$2,500 or more in the aggregate since the filing of a list of its contributors pursuant to subsection D of § 24.2-949.9:1 or this subsection with the contributor's name, address, occupation, employer, and place of business and the dates and amounts of the contributor's contributions during the period covered by the report.

D. The report of receipts shall also include each contribution received by the committee and designated in writing, orally, or otherwise by the contributor for the election of a specified candidate or candidates. Upon transfer of a designated contribution to a designated candidate's campaign committee, the committee shall provide information to the campaign committee to identify the contributor as provided by § 24.2-947.4.

DE. The reporting requirements of this section shall continue in effect for each committee until a final report is filed that sets forth all contributions and expenditures not previously reported. The final report shall include a termination statement, signed by an officer of the committee, that all reporting is complete and final.

2. That this act shall become effective on January 1, 2009.