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**HOUSE BILL NO. 359**

AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the House Committee on Privileges and Elections  
on February 1, 2008)

(Patrons Prior to Substitute—Delegates Cole, Brink [HB 1389], Cole [HB 353], Fralin [HB 1134], and  
Lingamfelter [HBs 53 and 54])

*A BILL to amend and reenact §§ 24.2-945.1, 24.2-947.4, 24.2-949.5, 24.2-949.9:2, 24.2-950.1, and  
24.2-950.4 of the Code of Virginia and to repeal § 24.2-950.5 of the Code of Virginia, relating to  
campaign finance information and reporting of designated contributions.*

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

**1. That §§ 24.2-945.1, 24.2-947.4, 24.2-949.5, 24.2-949.9:2, 24.2-950.1, and 24.2-950.4 of the Code of  
Virginia are amended and reenacted as follows:**

§ 24.2-945.1. Definitions.

A. As used in this chapter, unless the context requires a different meaning:

"Authorization" means express approval or express consent by the candidate, the candidate's  
campaign committee, or an agent of the candidate or his campaign committee after coordination.

"Campaign committee" means the committee designated by a candidate to receive all contributions  
and make all expenditures for him or on his behalf in connection with his nomination or election.

"Candidate" means "candidate" as defined in § 24.2-101.

"Contribution" means money and services of any amount, in-kind contributions, and any other thing  
of value, given, advanced, loaned, or in any other way provided to a candidate, campaign committee,  
political committee, or person for the purpose of expressly advocating the election or defeat of a clearly  
identified candidate or to an inaugural committee for the purpose of defraying the costs of the  
inauguration of a Governor, Lieutenant Governor, or Attorney General. "Contribution" includes money,  
services, or things of value in any way provided by a candidate to his own campaign and the payment  
by the candidate of a filing fee for any party nomination method.

"Coordinated" or "coordination" refers to an expenditure that is made (i) at the express request or  
suggestion of a candidate, a candidate's campaign committee, or an agent of the candidate or his  
campaign committee or (ii) with material involvement of the candidate, a candidate's campaign  
committee, or an agent of the candidate or his campaign committee in devising the strategy, content,  
means of dissemination, or timing of the expenditure.

"Designated contribution" means a contribution that is designated specifically and in writing for a  
particular candidate or candidates and that is made using a political committee solely as a conduit.

"Expenditure" means money and services of any amount, and any other thing of value, paid, loaned,  
provided, or in any other way disbursed by any candidate, campaign committee, political committee, or  
person for the purpose of expressly advocating the election or defeat of a clearly identified candidate or  
by any inaugural committee for the purpose of defraying the costs of the inauguration of a Governor,  
Lieutenant Governor, or Attorney General.

"Federal political action committee" means any political action committee registered with the Federal  
Election Commission that makes contributions to candidates or political committees registered in  
Virginia.

"Inaugural committee" means any organization, person, or group of persons that anticipates receiving  
contributions or making expenditures, from other than publicly appropriated funds, for the inauguration  
of the Governor, Lieutenant Governor, or Attorney General and related activities.

"Independent expenditure" means an expenditure made by any person, candidate campaign  
committee, or political committee that is not made to, controlled by, coordinated with, or made with the  
authorization of a candidate, his campaign committee, or an agent of the candidate or his campaign  
committee. "Independent expenditure" includes an expenditure made by a candidate campaign committee  
(i) that is not related to the candidate's own campaign and (ii) that is not made to, controlled by,  
coordinated with, or made with the authorization of a different candidate, his campaign committee, or an  
agent of that candidate or his campaign committee.

"In-kind contribution" means the donation of goods, services, property, or other thing of value, other  
than money, including an expenditure controlled by, coordinated with, or made upon the authorization of  
a candidate, his campaign committee, or an agent of the candidate or his campaign committee, that is  
provided for free or less than the usual and normal charge. The basis for arriving at the dollar value of  
an in-kind contribution is as follows: new items are valued at retail value; used items are valued at fair  
market value; and services rendered are valued at the actual cost of service per hour. Services shall not  
be deemed to include personal services voluntarily rendered for which no compensation is asked or  
given.

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60 "Out-of-state political committee" means an entity covered by § 527 of the United States Internal  
61 Revenue Code that is not registered as a political committee or candidate campaign committee in  
62 Virginia and that does not have as its primary purpose expressly advocating the election or defeat of a  
63 clearly identified candidate. The term shall not include a federal political action committee.

64 "Person" means any individual or corporation, partnership, business, labor organization, membership  
65 organization, association, cooperative, or other like entity.

66 "Political action committee" means any organization, person, or group of persons, established or  
67 maintained to receive and expend contributions for the primary purpose of expressly advocating the  
68 election or defeat of a clearly identified candidate. The term shall not include a campaign committee,  
69 federal political action committee, out-of-state political committee, political party committee, referendum  
70 committee, or inaugural committee.

71 "Political committee" means and includes any political action committee, political party committee,  
72 referendum committee, or inaugural committee. The term shall not include: (i) a federal political action  
73 committee or out-of-state political committee; (ii) a campaign committee; (iii) a political party committee  
74 exempted pursuant to § 24.2-950.1; or (iv) a person who receives no contributions from any source and  
75 whose only expenditures are made solely from his own funds and are either contributions made by him  
76 which are reportable by the recipient pursuant to this chapter or independent expenditures which are  
77 reportable by him to the extent required by § 24.2-945.2, or a combination of such reportable  
78 contributions and independent expenditures.

79 "Political party committee" means any state political party committee, congressional district political  
80 party committee, county or city political party committee, other election district political party  
81 committee, or organized political party group of elected officials. This definition is subject to the  
82 provisions of § 24.2-950.1.

83 "Primary purpose" means that 50% or more of the committee's expenditures made in the form of  
84 contributions shall be made to candidate campaign committees or political committees registered in  
85 Virginia. Administrative expenditures and the transfer of funds between affiliated or connected  
86 organizations shall not be considered in determining the committee's primary purpose. The primary  
87 purpose of the committee shall not be determined on the basis of only one report or election cycle, but  
88 over the entirety of the committee's registration.

89 "Referendum committee" means any organization, person, group of persons, or committee, that makes  
90 expenditures in a calendar year in excess of (i) \$10,000 to advocate the passage or defeat of a statewide  
91 referendum, (ii) \$5,000 to advocate the passage or defeat of a referendum being held in two or more  
92 counties and cities, or (iii) \$1,000 to advocate the passage or defeat of a referendum held in a single  
93 county or city.

94 "Residence" means "residence" or "resident" as defined in § 24.2-101.

95 "Statewide office" means the office of Governor, Lieutenant Governor, or Attorney General.

96 B. For the purpose of applying the filing and reporting requirements of this chapter, the terms  
97 "person" and "political committee," shall not include an organization holding tax-exempt status under  
98 § 501(c) (3), 501(c) (4), or 501(c) (6) of the United States Internal Revenue Code which, in providing  
99 information to voters, does not advocate or endorse the election or defeat of a particular candidate,  
100 group of candidates, or the candidates of a particular political party.

101 § 24.2-947.4. Information to be included on campaign finance reports for campaign committees.

102 A. The reports required by this article shall be filed on a form prescribed by the State Board and  
103 shall include all financial activity of the campaign committee. All completed forms shall be submitted in  
104 typed, printed, or legibly hand printed format or electronically as provided in § 24.2-946.1. Persons  
105 submitting the forms shall do so subject to felony penalties for making false statements pursuant to  
106 § 24.2-1016.

107 B. The report of receipts shall include:

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

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

- 114 a. the name of the contributor, listed alphabetically,
- 115 b. the mailing address of the contributor,
- 116 c. the amount of the contribution,
- 117 d. the aggregate amount of contributions from the contributor to date,
- 118 e. the date of the contribution,
- 119 f. the occupation of the contributor,
- 120 g. the name of his employer or principal business, and
- 121 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 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.*

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;
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 that is forgiven by the lender, the amount forgiven listed as both a contribution and loan repayment.

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

G. 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.

§ 24.2-949.5. Information to be included on campaign finance reports for political action 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 political action 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 political action 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 last contribution,
  - f. the occupation of the contributor,
  - g. the name of his employer or principal business, and
  - h. the locality 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.

C. *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.*

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

183 1. The name and address of the person paid;  
184 2. A brief description of the purpose of the expenditure;  
185 3. The name of the person contracting for or arranging the expenditure;  
186 4. The amount of the expenditure; and  
187 5. The date of the expenditure.  
188 The report of disbursements shall itemize any expenditure made by credit card payment.  
189 *DE.* Each report for a political action committee shall list separately those receipts and expenditures  
190 reported to the treasurer or other officer of the committee by any person, candidate campaign committee,  
191 or political committee, pursuant to subsection B of § 24.2-949.4, and in the case of in-kind  
192 contributions, shall set forth in each instance the source of the information reported.  
193 *EF.* The report shall list separately all loans, and for each loan, shall give:  
194 1. The date the loan was made;  
195 2. The name and address of the person making the loan and any person who is a co-borrower,  
196 guarantor, or endorser of the loan;  
197 3. The amount of the loan;  
198 4. The date and amount of any repayment of the loan; and  
199 5. For any loan or part of a loan that is forgiven by the lender, the amount forgiven listed as both a  
200 contribution and loan repayment.  
201 *FG.* The State Board shall provide for a "no activity" report that may be filed for any reporting  
202 period in which the filer has no activity to report.  
203 *GH.* It is the responsibility of the treasurer that the report for the political action committee be filed  
204 and that the report be in full and accurate detail.  
205 § 24.2-949.9:2. Out-of-state political committees; reporting requirements.  
206 A. The provisions of this section are applicable only to out-of-state political committees.  
207 B. After the committee has met the requirements of § 24.2-949.9:1 and upon making any contribution  
208 to a candidate campaign committee or political committee registered in Virginia, the committee shall  
209 report its contributions and contributors in accordance with subsection C to the State Board of Elections  
210 by computer or electronic means as prescribed in § 24.2-946.1.  
211 C. The report required by subsection B shall include (i) a report of the contributions the committee  
212 has made to candidate campaign committees or political committees in the Commonwealth since the  
213 filing of a report of its contributions pursuant to subsection D of § 24.2-949.9:1 or this subsection during  
214 the period covered by the report and (ii) a list of each contributor who has contributed to the committee  
215 \$2,500 or more in the aggregate since the filing of a list of its contributors pursuant to subsection D of  
216 § 24.2-949.9:1 or this subsection with the contributor's name, address, occupation, employer, and place  
217 of business and the dates and amounts of the contributor's contributions during the period covered by  
218 the report.  
219 *D. Upon transfer of a designated contribution to a designated candidate's campaign committee, the*  
220 *committee shall provide information to the campaign committee to identify the contributor as provided*  
221 *by § 24.2-947.4.*  
222 *DE.* The reporting requirements of this section shall continue in effect for each committee until a  
223 final report is filed that sets forth all contributions and expenditures not previously reported. The final  
224 report shall include a termination statement, signed by an officer of the committee, that all reporting is  
225 complete and final.  
226 § 24.2-950.1. Certain political party committees exempt.  
227 A. Except as provided in ~~subsection~~ *subsections B and C* of this section, *and* subsection D of  
228 § 24.2-947.3; ~~and § 24.2-950.5~~, any local district, county, or city party committee shall be exempt from  
229 the reporting requirements of this chapter. Contributions made by such committee to any candidate, his  
230 campaign committee, or a political committee shall be reported by the recipient of the contribution in  
231 accordance with the provisions of this chapter.  
232 B. The exemption provided in this section shall not be applicable to state political party committees,  
233 congressional district political party committees, or county or city political party committees for any  
234 county or city with a population of more than 100,000, or organized political party groups of elected  
235 officials. Any other political party committee shall be exempt from the reporting and notification  
236 requirements of this chapter, except as provided in §§ 24.2-945.2 ~~and 24.2-950.5~~, in each calendar year  
237 in which it does not accept contributions totaling more than \$15,000, or make contributions and  
238 expenditures totaling more than \$15,000. Any such committee shall be subject to such reporting  
239 requirements as soon as it accepts aggregated contributions, or makes aggregated contributions and  
240 expenditures, in excess of \$15,000 in a calendar year. The first report filed pursuant to § 24.2-950.6  
241 shall account for all receipts and disbursements during the calendar year and shall be complete through  
242 the completion date for the report period.  
243 *C. Upon transfer of a designated contribution to a designated candidate's campaign committee, each*  
244 *local district, county, or city political party committee shall provide information to the campaign*

*committee to identify the contributor as provided by § 24.2-947.4.*

§ 24.2-950.4. Information to be included on campaign finance reports for political party 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 political party 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 political party 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 last contribution,
- f. the occupation of the contributor,
- g. the name of his employer or principal business, and
- h. the locality 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.

*C. 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.*

~~E~~D. 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.

~~E~~E. Each report for a political party committee shall list separately those receipts and expenditures reported to the treasurer or other officer of the committee by any person, campaign committee, or political committee pursuant to subsection B of § 24.2-950.3, and in the case of in-kind contributions, shall set forth in each instance the source of the information reported.

~~E~~F. 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 that is forgiven by the lender, the amount forgiven listed as both a contribution and loan repayment.

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

~~E~~H. It is the responsibility of the treasurer that the report for the political party committee be filed and that the report be in full and accurate detail.

**2. That § 24.2-950.5 of the Code of Virginia is repealed.**

**3. That the provisions of this act shall become effective on January 1, 2009.**