2009 SESSION

095615568

1

2

3

4

12

HOUSE BILL NO. 1740

AMENDMENT IN THE NATURE OF A SUBSTITUTE (Proposed by the House Committee on Privileges and Elections

on February 6, 2009)

(Patron Prior to Substitute—Delegate Purkey)

- 5 6 A BILL to amend and reenact §§ 24.2-948.4, 24.2-949.9, 24.2-950.9, 24.2-951.9, and 24.2-952.7 of the 7 Code of Virginia, relating to the Campaign Finance Disclosure Act; materials to be provided by State Board of Elections and Attorney General; final reports and disbursement of surplus funds. 8 9
 - Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-948.4, 24.2-949.9, 24.2-950.9, 24.2-951.9, and 24.2-952.7 of the Code of Virginia are 10 11 amended and reenacted as follows:

§ 24.2-948.4. Final report requirement; disbursement of surplus funds.

13 A. A final report shall be filed by every campaign committee which sets forth (i) all receipts and 14 disbursements not previously reported, (ii) an accounting of the retirement of all debts, and (iii) the disposition of all surplus funds as provided in subsection D. The final report shall include a termination 15 statement, signed by the candidate, that all reporting for the campaign committee is complete and final. 16 17 Once a campaign committee's final report has been filed, no further report relating to that election shall 18 be required.

19 B. A final report shall be required when (i) a candidate no longer seeks election to the same office in 20 a successive election, (ii) a candidate seeks election to a different office, or (iii) the candidate is 21 deceased.

22 C. If the candidate is deceased, the final report shall be filed and signed by the treasurer. If the 23 candidate was serving as his own treasurer, his executor shall file and sign the final report. Any excess 24 contributed funds shall be disposed of pursuant to the provisions of subsection D.

25 D. Amounts received by a candidate or his campaign committee as contributions that are in excess of the amount necessary to defray his campaign expenditures may be disposed of only by one or any 26 27 combination of the following: (i) transferring the excess for use in a succeeding election or to retire the 28 deficit in a preceding election; (ii) returning the excess to a contributor in an amount not to exceed the 29 contributor's original contribution; (iii) donating the excess to any organization described in § 170(c) of 30 the Internal Revenue Code; (iv) contributing the excess to one or more candidates or to any political 31 committee that has filed a statement of organization pursuant to this chapter; (v) contributing the excess 32 to any political party committee; and (vi) defraying any ordinary, nonreimbursed expense related to his 33 elective office. It shall be unlawful for any person to convert any contributed moneys, securities, or like intangible personal property to his personal use. The term "personal use" shall include, but not be 34 35 limited to, the payment of salary or compensation to a member of the candidate's "immediate family" as 36 that term is defined in § 30-101. 37

§ 24.2-949.9. Final report requirement; disbursement of surplus funds.

38 A. Any political action committee that, after having filed a statement of organization, disbands or 39 determines it will no longer receive contributions or make expenditures during the calendar year in an 40 aggregate amount exceeding \$200 shall so notify the State Board. A final report shall be filed by the 41 committee that sets forth (i) all receipts and disbursements not previously reported, (ii) an accounting of 42 the retirement of all debts, and (iii) the disposition of the committee's surplus funds. This final report shall include a termination statement, signed by the treasurer or other principal officer listed on the 43 44 statement of organization, that all reporting for the committee is complete and final.

45 B. Amounts received by a political action committee as contributions may be disposed of only by one or any combination of the following: (i) transferring the excess to an affiliated organization of the 46 47 committee; (ii) returning the excess to a contributor in an amount not to exceed the contributor's original contribution; (iii) donating the excess to any organization described in § 170 (c) of the Internal Revenue **48** 49 Code; (iv) contributing the excess to one or more candidates or to any political committee that has filed a statement of organization pursuant to this chapter; (v) contributing the excess to any political party 50 51 committee; and (vi) defraying any ordinary, nonreimbursed expense related to the political action committee. It shall be unlawful for any person to convert any contributed moneys, securities, or like 52 53 intangible personal property to his personal use. The term "personal use" shall include, but not be 54 limited to, the payment of salary or compensation to a member of the committee's treasurer's or chief executive's "immediate family" as that term is defined in § 30-101. 55 56

§ 24.2-950.9. Final report requirement; transfer of surplus funds.

57 A. Any political party committee that, after having filed a statement of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an 58 59 aggregate amount exceeding \$200 shall so notify the State Board. A final report shall be filed by the

HB1740H1

60 committee that sets forth (i) all receipts and disbursements not previously reported, (ii) an accounting of 61 the retirement of all debts, and (iii) the disposition of the committee's surplus funds. This final report shall include a termination statement, signed by the treasurer or other principal officer listed on the 62 63 statement of organization, that all reporting for the committee is complete and final.

64 B. Amounts received by a political party committee as contributions may be disposed of only by one 65 or any combination of the following: (i) transferring the excess to an affiliated organization of the 66 committee; (ii) returning the excess to a contributor in an amount not to exceed the contributor's original 67 contribution; (iii) donating the excess to any organization described in § 170(c) of the Internal Revenue Code; (iv) contributing the excess to one or more candidates or to any political committee that has filed 68 69 a statement of organization pursuant to this chapter; (v) contributing the excess to any political party committee; and (vi) defraying any ordinary, nonreimbursed expense related to the political party 70 71 committee. It shall be unlawful for any person to convert any contributed moneys, securities, or like intangible personal property to his personal use. The term "personal use" shall include, but not be 72 limited to, the payment of salary or compensation to a member of the committee's treasurer's or chief 73 executive's "immediate family" as that term is defined in § 30-101. 74 75

§ 24.2-951.9. Final report requirement; disbursement of surplus funds.

76 A. Any referendum committee that disbands after having filed a statement of organization shall so notify the State Board. A final report shall be filed by the committee that sets forth (i) all receipts and 77 78 disbursements not previously reported, (ii) an accounting of the retirement of all debts, and (iii) the 79 disposition of the committee's surplus funds. This final report shall include a termination statement, 80 signed by the treasurer or other principal officer listed on the statement of organization, that all reporting 81 for the committee is complete and final.

B. Amounts received by a referendum committee as contributions may be disposed of only by one or 82 83 any combination of the following: (i) transferring the excess to an affiliated organization of the 84 committee; (ii) returning the excess to a contributor in an amount not to exceed the contributor's original 85 contribution; (iii) donating the excess to any organization described in § 170(c) of the Internal Revenue 86 Code; (iv) contributing the excess to one or more candidates or to any political committee that has filed 87 a statement of organization pursuant to this chapter; (v) contributing the excess to any political 88 committee; and (vi) defraying any ordinary, nonreimbursed expense related to the referendum committee. 89 It shall be unlawful for any person to convert any contributed moneys, securities, or like intangible 90 personal property to his personal use. The term "personal use" shall include, but not be limited to, the 91 payment of salary or compensation to a member of the committee's treasurer's or chief executive's 92 "immediate family" as that term is defined in § 30-101. 93

§ 24.2-952.7. Final report requirement; disbursement of surplus funds.

94 A. Any inaugural committee that, after having filed a statement of organization, disbands shall so notify the State Board. A final report shall be filed by the committee that sets forth (i) all receipts and 95 96 disbursements not previously reported, (ii) an accounting of the retirement of all debts, and (iii) the 97 disposition of the committee's surplus funds. This final report shall include a termination statement, 98 signed by the treasurer or other principal officer listed on the statement of organization, that all reporting 99 for the committee is complete and final.

100 B. It shall be unlawful for any person to disburse any funds or receipts of an inaugural committee 101 which are in excess of the amount necessary to defray expenditures for inaugural activities other than by 102 one or any combination of the following: (i) returning the excess to a contributor in an amount not to exceed the contributor's original contribution or (ii) making one or more charitable contributions as 103 104 defined in § 170(c) of the Internal Revenue Code. It shall be unlawful for any person to convert any contributed moneys, securities, or like intangible personal property to his personal use. The term 105 "personal use" shall include, but not be limited to, the payment of salary or compensation to a member of the committee's treasurer's or chief executive's "immediate family" as that term is defined in 106 107 108 § 30-101.