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HOUSE BILL NO. 59

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Privileges and Elections
on January 27, 2012)

(Patron Prior to Substitute—Delegate Cole)

A BILL to amend and reenact §§ 24.2-504, 24.2-948.3, and 24.2-953 of the Code of Virginia, relating to elections; persons entitled to place on ballot; compliance with campaign finance disclosure provisions.

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-504, 24.2-948.3, and 24.2-953 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-504. Persons entitled to have name printed on ballot.

A. Only a person fulfilling all the requirements of a candidate *and of § 24.2-948.3* shall have his name printed on the ballot for the election. No person shall have his name printed on the ballot for more than one office at any one election. However, a candidate for federal or statewide office, or a candidate for an office being filled in a special election, may have his name printed on the ballot for two offices at an election.

B. *Only a person who has completed all reporting and filing requirements of Chapter 9.3 (§ 24.2-945 et seq.), paid all civil penalties assessed thereunder, and satisfied all criminal penalties imposed thereunder shall have his name printed on the ballot for the election.*

§ 24.2-948.3. Compliance with reporting requirements of Campaign Finance Disclosure Act as requirement of candidacy for any office.

A. It shall be a requirement of candidacy in any election for ~~statewide any office or the General Assembly~~ that the candidate shall have filed the disclosure reports required by this chapter for any election in which he participated as a candidate ~~for any such office and which was held within the five years preceding the date of the election in which he seeks to be a candidate~~. For the purposes of this section, the candidate shall be presumed to have complied with the candidate disclosure reporting requirements unless (i) the State Board or local electoral board, whichever is appropriate, has notified the candidate, at least ~~60~~ 30 days prior to the applicable deadline for him to file his written statement of qualification set out in § 24.2-503, that he has failed to file a required report or reports and (ii) the candidate fails to file the specified report or reports by the applicable deadline for filing his written statement of qualification.

B. The authority of the State Board to grant an extension of the deadline established in § 24.2-503 shall include the authority to grant such extension with respect to the requirements of this section.

§ 24.2-953. General provisions.

A. The procedures to enforce the provisions of this article are found in § 24.2-946.3.

B. Either the failure to file any statement or report or the late filing of any statement or report required by this chapter shall constitute a violation of this chapter subject to the penalties provided in this article.

C. Any person who violates, or aids, abets, or participates in the violation of, this chapter shall be subject to a civil penalty not to exceed \$100, unless a greater penalty is imposed by this article.

D. In the case of a willful violation, the violator shall be guilty of a Class 1 misdemeanor. There shall be a rebuttable presumption that the violation of this chapter was willful if the violation is based on a person's failure to file a report required by this chapter and his failure to file continues for more than 60 days following his actual receipt of written notice of his failure to file sent to him by certified mail, return receipt requested, by the State Board or an electoral board. Such notice shall be sent to the most recent mailing address provided by the candidate or committee.

E. In the case of a failure to file a required statement or report by the specified deadline, the length of the delinquency shall be a factor in determining the amount of the civil penalty assessed.

F. The statute of limitations applicable to a violation of this chapter is stated in § 19.2-8.

G. *There shall be a rebuttable presumption that any written notice sent to a candidate or committee by either the State Board or an electoral board in the administration of the provisions of this chapter shall have been received by the candidate or committee if such notice was sent by certified mail, return receipt requested, to the most recent mailing address provided by the candidate or committee.*

HOUSE SUBSTITUTE

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