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HOUSE BILL NO. 1030

Offered January 8, 2014

Prefiled January 8, 2014

A BILL to amend and reenact § 24.2-945.2 of the Code of Virginia, relating to campaign finance; independent expenditure disclosure reports.

Patron—Orrock

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:**1. That § 24.2-945.2 of the Code of Virginia is amended and reenacted as follows:****§ 24.2-945.2. Persons required to file independent expenditure disclosure reports; filing deadline.**

A. Any person, candidate campaign committee, ~~or~~ political committee, federal political action committee, out-of-state political committee, or organization holding tax-exempt status under §§ 501(c)(3), 501(c)(4), or 501(c)(6) of the U.S. Internal Revenue Code that makes independent expenditures, in the aggregate during an election cycle, of \$1,000 or more for a statewide election or \$200 or more for any other election shall maintain records and shall report pursuant to this chapter all ~~such~~ independent expenditures that are made for the purpose of expressly advocating the election or defeat of a clearly identified candidate. For purposes of this section, "expressly advocating" means a communication that (i) uses phrases that specifically urge election or defeat of a clearly identified candidate, (ii) uses words that, in context, can have no reasonable meaning other than urging the election or defeat of a clearly identified candidate or, (iii) when taken as a whole and with limited reference to external events, including the proximity to the election, could only be interpreted by a reasonable person as urging the election or defeat of a clearly identified candidate.

B. Independent expenditure reports shall be due (i) within 24 hours of the time when the funds were expended or (ii) within 24 hours of the time when materials, as described in subsection A ~~of this section~~, are published or broadcast to the public, whichever ~~(i) or (ii) first occurs first~~. The reports shall be filed with the State Board if the funds were expended to support or oppose related to a candidate for statewide office or the General Assembly or with the local electoral board of the county or city in which the candidate resides if the funds were expended to support or oppose related to a candidate for local office. The reports shall include the amount of each expenditure and a brief description of the nature of the expenditure. The report filed by a person shall include (i) the name and address of the person; (ii) the person's principal type of business, or in the case of an individual, his occupation; (iii) the person's place of business, or in the case of an individual, the name of his employer; and (iv) the locality where he is employed or where his business is located. The report filed by a political action committee ~~or~~, political party committee, or out-of-state political committee shall include the information required for a statement of organization as listed in subdivisions A 1 through A 8 of § 24.2-949.2 ~~or clauses, subdivisions 1 through 6 of § 24.2-950.2, as appropriate or subsection C of § 24.2-949.9:1, respectively~~, unless the committee has a current statement of organization on file with the State Board. The report filed by a federal political action committee shall include the information required in subsection C of § 24.2-949.2. The report filed by an organization holding tax-exempt status under §§ 501(c)(3), 501(c)(4), or 501(c)(6) of the U.S. Internal Revenue Code shall include (i) the name and address of the organization, (ii) the name and address of the organization's officers and members of its governing body, and (iii) the organization's Employee Identification Number issued by the U.S. Internal Revenue Service.

C. Independent expenditure reports required by this section may be filed electronically pursuant to § 24.2-946.1 or in writing on a form developed by the State Board. If the report is filed in writing, the report shall be (i) received by the State Board or the local electoral board, as appropriate, within 24 hours of the time when the funds were expended or (ii) transmitted to the State Board or the local electoral board, as appropriate, by telephonic transmission to a facsimile device within 24 hours of the time when the funds were expended with an original copy of the report mailed to the State Board or the local electoral board, as appropriate, and postmarked within 24 hours of the time when the funds were expended.

INTRODUCED

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