

VIRGINIA ACTS OF ASSEMBLY -- 1995 RECONVENED SESSION

CHAPTER 785

An Act to amend and reenact §§ 24.2-916, 24.2-917, 24.2-919, 24.2-922, 24.2-923, 24.2-928, and 24.2-929 of the Code of Virginia, relating to campaign finance disclosure reports; enforcement provisions and penalties.

[S 687]

Approved April 6, 1995

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-916, 24.2-917, 24.2-919, 24.2-922, 24.2-923, 24.2-928, and 24.2-929 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-916. Filing schedule for candidates for office generally.

A candidate for any office, other than as provided in § 24.2-917 for a local office to be filled at a May general election or in § 24.2-918 for certain special elections, shall file the prescribed reports of contributions and expenditures as follows:

1. Not later than July 15 in a nonelection year for the period January 1 through June 30;
2. Not later than January 15 following a nonelection year for the period July 1 through December 31;
3. In an election year, not later than April 15 for the period January 1 through March 31 *and pursuant to subdivisions 4 through 9 of this section*;
4. Not later than the eighth day before the June primary date complete through the thirteenth day before the primary date;
5. Not later than July 15 complete through June 30;
6. *Not later than September 15 complete through August 31*;
7. Not later than October 15 complete through September 30;
8. Not later than the eighth day before the November election date complete through the thirteenth day before the election date;
9. Not later than the thirtieth day after the November election date complete through the twenty-third day after the election date; and
10. Not later than January 15 following an election year complete through December 31, and then in accordance with subdivisions 1 and 2 or subdivisions 3 through 9, as appropriate, of this ~~subsection~~ *section* until a final report is filed.

Any candidate shall also file the report of certain large pre-election contributions required by § 24.2-919, if applicable. The report required by subdivision 8 9 of this section shall not be applicable to political party committees.

§ 24.2-917. Filing schedule for candidates for offices filled at May general elections.

Any candidate for election to a local office to be filled at a May general election shall file the prescribed reports of contributions and expenditures as follows:

1. For municipal primary candidates only, not later than the eighth day before the primary date complete through the eleventh day before the primary;
2. Not later than the eighth day before the election date complete through the eleventh day before the election date;
3. Not later than June 15 of the election year complete through June 10;
4. Not later than July 15 of the election year complete through ~~July 10~~ *June 30*; and
5. Not later than the following January 15 complete through December 31 and annually thereafter until a final report is filed as provided in § 24.2-920.

Any candidate shall also file the report of certain large pre-election contributions required by § 24.2-919, if applicable.

§ 24.2-919. Special report required of certain large preelection contributions.

A. Except as provided in subsection B, any single contribution of more than \$1,000 for a statewide office or more than \$500 for any other office, knowingly received or reported by the candidate or his treasurer on behalf of his candidacy (i) between the thirteenth day preceding a June primary *and the primary date*, (ii) *between the thirteenth day preceding a November election date or and the election date*, or (iii) between the eleventh day preceding any *other* election in which the individual is a candidate and the election day, shall be reported in writing within seventy-two hours; however, any such contribution received within the seventy-two hours prior to the election day shall be reported and a report thereof received no later than the day prior to the election. Statewide and General Assembly candidates shall file all reports required by this section with the State Board and with the electoral board of the locality where the candidate resides. Any candidate for a constitutional or local office shall file such reports with the electoral board of the locality where the candidate resides. Any contribution

reported pursuant to this section shall also be reported on the first report required by this article after any election.

B. The provisions of this subsection apply to any candidate for election to office in November who is nominated by a political party by convention or any other method other than a primary. The report requirements of subsection A shall be applicable except that the reporting period shall be from March 31 through and including the date of the convention or other nomination method.

§ 24.2-922. Reports as conditions to qualification for office.

No person shall be permitted to qualify for any office, enter upon the duties thereof, or receive any salary or emoluments therefrom until he has filed the reports required in subdivisions 3; 4; 5; 6; 7 and 8 through 9 of § 24.2-916; subdivisions 1, 2 and 3 of § 24.2-917; and subdivisions B 1 and B 3 of § 24.2-918, as applicable. No officer authorized by the laws of this Commonwealth to issue certificates of election shall issue one to any person determined to be elected to any such office, until copies of the reports cited above have been filed as required in this article.

§ 24.2-923. Filing schedule for persons and political committees.

A. Persons and political committees shall file the prescribed reports of contributions and expenditures with the State Board in accordance with the applicable schedule set out in §§ 24.2-916 through 24.2-919. The first filed report shall be complete for the entire period from the time the committee was organized or contributions were received. A committee shall comply with the election year schedule for each year in which it seeks to influence the outcome of the election. *Each political party committee for a county, city, or local district which is required to file the prescribed reports shall also file the report with the local electoral board for its jurisdiction.*

B. The reporting requirements shall continue in effect for each committee until a final report is filed which sets forth (i) all receipts and disbursements not previously reported, (ii) an accounting of the retirement of all debts, and (iii) the disposition of all residual funds. The final report shall include a termination statement, signed by an officer of the committee, that all reporting is complete and final.

§ 24.2-928. Reporting of certain violations.

A. It shall be the duty of the State Board to report any violation of §§ 24.2-912, 24.2-915, 24.2-916, 24.2-917, 24.2-918, 24.2-919, 24.2-920, 24.2-923 and 24.2-924 to the appropriate attorney for the Commonwealth.

B. It shall be the duty of the electoral board of a county or city to report any violation of §§ 24.2-915, 24.2-916, 24.2-917, 24.2-918, 24.2-919, and 24.2-920 relating to an election for the General Assembly or for any constitutional or local office or to a local referendum to the attorney for the Commonwealth for the county or city in which the electoral board has jurisdiction.

C. In order to fulfill its duty to report violations, the Board shall (i) establish and implement a system for receiving and cataloging reports filed pursuant to § 24.2-923, §§ 24.2-915 through 24.2-920 ; and 24.2-927 24.2-923 and for verifying that reports are complete and submitted on time and (ii) *provide, as part of the summary of campaign disclosure laws required by § 24.2-903, instructions for persons filing reports to assist them in completing the reports.*

D. No local electoral board shall be required to retain any reports longer than one year from the date of filing the final report required by § 24.2-923, §§ 24.2-915 through 24.2-920 ; and 24.2-927 24.2-923, or any successor provision thereto, or the next general election for the office to which the report relates, whichever is later, unless a court of competent jurisdiction shall order their retention for a longer period.

§ 24.2-929. Penalties for violations of chapter.

A. 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 fifty dollars, except in the case of violation of Article 4 (§ 24.2-914 et seq.) of this chapter which relates to the filing of, or the failure to file, a report due within the one hundred twenty days before or the thirty-five days after a November general election date, in which case he shall be subject to a civil penalty not to exceed \$300. In the case of a willful violation, he shall be guilty of a Class 1 misdemeanor. The attorney for the Commonwealth shall initiate civil proceedings to enforce the civil penalty provided herein. Any civil penalties collected shall be payable to the State Treasurer for deposit to the general fund. The statute of limitations applicable to a violation of this chapter is stated in § 19.2-8. 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 sixty 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.

B. *Prior to assessing a penalty pursuant to this section, the Secretary of the State Board shall notify, in writing, the candidate and treasurer, or person or political committee required to file a report, that a filed report has not been completed, citing the omissions from the report. No penalty shall be assessed if the information required to complete the report is filed within ten days of the date of mailing the written notice.*

C. *If the information required to complete the report is not filed within the ten-day period, the Secretary shall then assess against the candidate and treasurer, who shall be jointly and severally liable, or person or political committee required to file a report, a civil penalty not to exceed \$300. The*

Secretary may grant an additional period for compliance, not to exceed two weeks, to permit the completion of a filed report for good cause shown and in response to a request filed within the ten-day period. However, no additional period shall be granted thereafter for compliance.

D. For any report required to be filed between July 1, 1994, and the effective date of this act, the State Board shall give the notice required by subsection B of this section prior to assessing any civil penalty. If a penalty has been assessed for any such report and no appeal of that penalty has been received, the State Board shall notify the candidate and treasurer, or person or political committee, who filed the report that an appeal may be filed within ten days of the date of mailing of the notice by the State Board.

E. In the case of a failure to file the report of any large preelection contribution required by § 24.2-919, or the late or incomplete filing of such a report, there shall be a rebuttable presumption that the violation was willful. The provisions of subsections B, C, and D of this section shall not apply to reports required by § 24.2-919.

2. That an emergency exists and this act is in force from its passage.