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HOUSE BILL NO. 1621

Offered January 13, 1995

A BILL to amend the Code of Virginia by adding in Chapter 9 of Title 24.2 an article numbered 4.1, consisting of a section numbered 24.2-928.1, relating to limits on contributions to candidates for Governor, Lieutenant Governor, Attorney General, and the General Assembly; penalties.

Patrons—Croshaw and Way

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 9 of Title 24.2 an article numbered 4.1, consisting of a section numbered 24.2-928.1, as follows:

Article 4.1.

Limits on Contributions to Candidates for Governor, Lieutenant Governor, Attorney General, and the General Assembly.

§ 24.2-928.1. Limits on contributions to candidates for Governor, Lieutenant Governor, Attorney General, and the General Assembly.

A. The provisions of this section apply only to elections for Governor, Lieutenant Governor, Attorney General, and the General Assembly.

1. No person, other than a corporation, shall make contributions to a candidate for Governor, Lieutenant Governor, or Attorney General which, in the aggregate, exceed \$5,000 in value for any one candidate in any one election. No political action committee or corporation shall make contributions to a candidate for Governor, Lieutenant Governor, or Attorney General which, in the aggregate, exceed \$10,000 in value for any one candidate in any one election.

2. No person, other than a corporation, shall make contributions to a candidate for the General Assembly which, in the aggregate, exceed \$1,000 in value for any one election. No political action committee or corporation shall make contributions to a candidate for the General Assembly which, in the aggregate, exceed \$2,500 in value for any one election.

These limits shall not apply to contributions by (i) a candidate to his own campaign, (ii) the candidate's spouse, children, parents, brothers, or sisters to his campaign, or (iii) any political party committee or organized political party group of elected officials.

B. No candidate shall solicit or accept any contribution in excess of the limits stated in subsection A of this section.

C. Any contribution or portion thereof returned within sixty days after receipt shall not be deemed to be a contribution for purposes of applying the limits stated in this section.

D. No person, political action committee, or other entity shall contribute to any other person, political action committee, or other entity, for the purpose of contributing to a specific candidate, any contributions that, when added together, or added together with contributions made directly to the candidate, have an aggregate value in excess of the limits stated in subsection A of this section.

E. Contributions by unemancipated children, under eighteen years of age, are considered contributions by their parents and attributed proportionately to each parent. Fifty percent of the contributions are attributed to each parent or, in the case of a single custodial parent, the total amount is attributed to that parent.

F. For the purposes of this section, each primary, general, or special election, and each method of political party nomination other than a primary, shall constitute a separate election without regard to whether the candidate is opposed or unopposed in the election or nomination process. For any independent candidate, the period ending on the regular primary date for the office he is seeking shall be deemed to be a separate election from the general election and shall be deemed to be a primary for purposes of this section.

G. A contributor may designate all or a portion of a contribution made by him during the sixty days following the primary date as a contribution for the primary or other nominating method. Contributions made after the primary date shall be deemed contributions for the general or special election unless otherwise designated as provided in this subsection.

H. For the purposes of this section, the term "candidate" means the candidate, the candidate's treasurer, and the candidate's campaign committee, and any contribution to the candidate's treasurer or campaign committee shall be deemed a contribution to the candidate.

I. The following penalties shall apply in addition to the penalties set out in § 24.2-929. Any candidate accepting a contribution which exceeds the applicable limit stated in this section shall pay a

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60 *civil penalty equal to the excess amount accepted by him. Any such civil penalty shall be collected and*  
61 *payable as provided in § 24.2-929.*

62 **2. That the provisions of this act shall become effective on July 1, 1995, and be applicable to any**  
63 **contribution made on and after that date for any election to be held on or after July 1, 1995. The**  
64 **provisions of this act shall not be applicable to contributions made prior to July 1, 1995, and**  
65 **contributions made on and after July 1, 1995, shall not be aggregated with contributions made**  
66 **before that date for the purposes of this act. Any contribution received by a candidate on or after**  
67 **July 1, 1995, shall be deemed to have been made on or after that date.**