

LD4474180

HOUSE BILL NO. 1971

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Privileges and Elections
on February 1, 1995)

(Patron Prior to Substitute—Delegate Croshaw)

A BILL to amend and reenact §§ 24.2-928 and 24.2-929 of the Code of Virginia, relating to campaign finance disclosure reports; enforcement provisions and penalties.

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-928 and 24.2-929 of the Code of Virginia are amended and reenacted as follows:

§ 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 report has not been filed or that a filed report has not been completed, citing the omissions from the report. No penalty shall be assessed if the report or information required to complete the report is filed within ten days of the date of mailing the written notice.

C. If the report or 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.