

LD4497176

SENATE BILL NO. 697

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Delegate Cranwell
on February 23, 1995)

(Patron Prior to Substitute—Senator Gartlan)

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 campaign contribution limits; penalties.

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.

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

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

B. No person, other than a political action committee, 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. No political action committee shall make contributions to a candidate for Governor, Lieutenant Governor, or Attorney General which, in the aggregate, exceed \$20,000 in value for any one candidate in any one election.

C. No person, other than a political action committee, shall make contributions to a candidate for the Senate or House of Delegates which, in the aggregate, exceed \$4,000 in value for any one candidate in any one election. No political action committee shall make contributions to a candidate for the Senate or House of Delegates which, in the aggregate, exceed \$7,500 in value for any one candidate in any one election.

D. The limits stated in this section 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.

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

F. 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 this section.

G. 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.

H. For the purposes of this section, each primary, general, or special election shall constitute a separate election without regard to whether the candidate is opposed or unopposed in the election. For any independent candidate, the period ending on the regular primary date for the office he is seeking shall be deemed to be one election and the period following the primary date shall be deemed to be a second election.

I. 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.

J. For the purposes of this article, the term "political action committee" means a political committee which receives contributions of twenty-five dollars or more from 100 or more individuals in the one-year period before the committee files an application with the State Board of Elections to qualify as a political action committee entitled to contribute the larger amounts stated in subsections B and C of this section. The Secretary of the State Board shall obtain information necessary to make the determination that a committee meets the requirements of this subsection and shall provide written certification of the fact to the committee. A political action committee certification is valid for two years. A candidate shall not accept a political action committee contribution unless it is accompanied by a copy of the certification. All political action committees that do not meet the requirements of this subsection are subject to the campaign contribution limits applicable to any person under subsections B and C of this section.

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

60 *civil penalty equal to twice the excess amount contributed. Any candidate accepting a contribution*
61 *which exceeds the applicable limit stated in this section shall pay a civil penalty equal to twice the*
62 *excess amount accepted by him. Any such civil penalty shall be collected and payable as provided in*
63 *§ 24.2-929.*

64 **2. That the provisions of this act shall become effective January 1, 1996, and shall not be**
65 **applicable to elections held before January 1, 1996.**