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HOUSE BILL NO. 692

Offered January 22, 1996

A BILL to amend and reenact §§ 24.2-901, 24.2-903, 24.2-904, and 24.2-928 of the Code of Virginia, relating to the campaign finance disclosure act; definitions; summary and instructions for disclosure laws; appointment of campaign treasurer and designation of campaign committee and depository; and reporting of violations.

 Patron—Hull

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-901, 24.2-903, 24.2-904, and 24.2-928 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-901. Definitions.

A. As used in this chapter, unless the context requires a different meaning:

"Campaign committee" means the committee designated by a candidate to receive all contributions and make all expenditures for him or on his behalf in connection with his nomination or election.

"Contribution" means money and services of any amount, and any other thing of value over \$100, given, advanced, promised, loaned, or in any other way provided to a candidate, campaign committee, political committee, inaugural committee, or person for the purpose of influencing the outcome of an election or defraying the costs of the inauguration of a Governor, Lieutenant Governor, or Attorney General. "Contribution" includes money, services, or things of value in any way provided by a candidate to his own campaign *and the payment by the candidate of any primary filing fee.*

"Expenditure" means money and services of any amount, and any other thing of value over \$100, paid, promised, loaned, provided, or in any other way disbursed by any candidate, campaign committee, political committee, inaugural committee, or person for the purpose of influencing the outcome of an election or defraying the costs of the inauguration of a Governor, Lieutenant Governor, or Attorney General.

"Inaugural committee" means any committee which anticipates receiving contributions or making expenditures, from other than publicly appropriated funds, for the inauguration of the Governor, Lieutenant Governor, or Attorney General and related activities.

"Independent expenditure" means an expenditure made by any person or political committee which is not made to, controlled by, coordinated with, or made upon consultation with a candidate, his campaign committee, or an agent of the candidate or his campaign committee.

"Person" means any individual or corporation, partnership, business, labor organization, membership organization, association, cooperative, or other like entity.

"Political action committee" means any organization, other than a campaign committee or political party committee, established or maintained in whole or in part to receive and expend contributions for political purposes.

"Political committee" means any state political party committee, congressional district political party committee, county or city political party committee for a county or city with a population of more than 100,000, organized political party group of elected officials, political action committee, or other committee or group of persons which receives contributions or makes expenditures for the purpose of influencing the outcome of any election. The term shall not include: a campaign committee or a political party committee exempted pursuant to § 24.2-911.

B. For the purpose of applying the filing and reporting requirements of Article 3 (§ 24.2-908 et seq.) and Article 4 (§ 24.2-914 et seq.) of this chapter, the terms "person," "political action committee," and "political committee" shall not include an organization holding tax-exempt status under § 501 (c) (3) of the United States Internal Revenue Code which, in providing information to voters, does not advocate or endorse the election or defeat of a particular candidate, group of candidates, or the candidates of a particular political party.

§ 24.2-903. Summary of election laws; forms.

The State Board shall summarize the provisions of the election laws relating to campaign contributions and expenditures and provide for distribution of this summary and prescribed forms to each candidate, person, or committee on request or upon their first filing with the State Board pursuant to this chapter, whichever occurs first. The Board shall designate the form of the report of contributions and expenditures which shall be the only such form used in complying with the provisions of this chapter. The Board shall also prescribe a separate form for the required reporting of certain large

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60 contributions and expenditures pursuant to § 24.2-919.

61 *The State Board shall provide, with the summary required by this section, instructions for persons*
62 *filing reports pursuant to this chapter to assist them in completing the reports. The instructions shall*
63 *include directions for the reporting of candidate primary filing fees.*

64 § 24.2-904. Appointment of campaign treasurer; designation of campaign committee and depository.

65 A. Upon accepting any contribution for his candidacy, each candidate for nomination or election
66 shall appoint a single campaign treasurer and may designate not more than one campaign committee to
67 receive all contributions and make all expenditures for him or on his behalf in connection with his
68 nomination or election and to file the reports required by this chapter. *The payment of a primary filing*
69 *fee by the candidate constitutes the acceptance of a contribution for the purposes of this section.* At the
70 same time he shall designate a campaign depository in a financial institution within the Commonwealth.
71 He shall provide, on a form prescribed by the State Board, the name and address of the campaign
72 treasurer, the name of the financial institution and account number for his campaign depository, and, if
73 one, the name of the campaign committee.

74 He shall file the form with the (i) electoral board of the county or city in which he resides if he is a
75 candidate for local office, (ii) electoral board of the county or city in which he resides and the State
76 Board if he is a candidate for the General Assembly, or (iii) State Board if he is a candidate for
77 statewide office. Every treasurer so appointed shall accept the appointment, in writing on the form, prior
78 to the filing thereof. No individual shall act as treasurer unless the required statement of appointment
79 shall have been filed. No individual shall be appointed or act as treasurer in any election who is not a
80 qualified voter of the Commonwealth. The same person may serve as campaign treasurer for more than
81 one candidate.

82 B. In the event of the death, resignation, removal, or change of the treasurer, the candidate shall
83 designate a successor and file the name and address of the successor within ten days of the change with
84 the State Board, local electoral board, or both, as provided in subsection A.

85 C. Any candidate who fails to appoint and report the appointment of a treasurer or successor
86 treasurer shall be deemed to have appointed himself treasurer and shall comply as such with the
87 provisions of this chapter. § 24.2-904. Appointment of campaign treasurer; designation of campaign
88 committee and depository.

89 A. Upon accepting any contribution for his candidacy, each candidate for nomination or election
90 shall appoint a single campaign treasurer and may designate not more than one campaign committee to
91 receive all contributions and make all expenditures for him or on his behalf in connection with his
92 nomination or election and to file the reports required by this chapter. At the same time he shall
93 designate a campaign depository in a financial institution within the Commonwealth. He shall provide,
94 on a form prescribed by the State Board, the name and address of the campaign treasurer, the name of
95 the financial institution and account number for his campaign depository, and, if one, the name of the
96 campaign committee.

97 He shall file the form with the (i) electoral board of the county or city in which he resides if he is a
98 candidate for local office, (ii) electoral board of the county or city in which he resides and the State
99 Board if he is a candidate for the General Assembly, or (iii) State Board if he is a candidate for
100 statewide office. Every treasurer so appointed shall accept the appointment, in writing on the form, prior
101 to the filing thereof. No individual shall act as treasurer unless the required statement of appointment
102 shall have been filed. No individual shall be appointed or act as treasurer in any election who is not a
103 qualified voter of the Commonwealth. The same person may serve as campaign treasurer for more than
104 one candidate.

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106 designate a successor and file the name and address of the successor within ten days of the change with
107 the State Board, local electoral board, or both, as provided in subsection A.

108 C. Any candidate who fails to appoint and report the appointment of a treasurer or successor
109 treasurer shall be deemed to have appointed himself treasurer and shall comply as such with the
110 provisions of this chapter.

111 § 24.2-928. Reporting of certain violations.

112 A. It shall be the duty of the State Board to report any violation of §§ 24.2-912, 24.2-915, 24.2-916,
113 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
114 Commonwealth.

115 B. It shall be the duty of the electoral board of a county or city to report any violation of
116 §§ 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
117 General Assembly or for any constitutional or local office or to a local referendum to the attorney for
118 the Commonwealth for the county or city in which the electoral board has jurisdiction.

119 C. In order to fulfill its duty to report violations, the Board shall (i) establish and implement a
120 system for receiving and cataloging reports filed pursuant to §§ 24.2-915 through 24.2-920 and 24.2-923
121 and for verifying that reports are complete and submitted on time and (ii) ~~provide, as part of the~~

122 summary of campaign disclosure laws required by § 24.2-903, instructions for persons filing reports to
123 assist them in completing the reports.
124 D. No local electoral board shall be required to retain any reports longer than one year from the date
125 of filing the final report required by §§ 24.2-915 through 24.2-920 and 24.2-923, or any successor
126 provision thereto, or the next general election for the office to which the report relates, whichever is
127 later, unless a court of competent jurisdiction shall order their retention for a longer period.

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