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SENATE BILL NO. 170

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Privileges and Elections
on February 6, 1996)

(Patron Prior to Substitute—Senator Miller, K.G.)

A BILL to amend and reenact §§ 24.2-901, 24.2-908, 24.2-910 and 24.2-1014 of the Code of Virginia, relating to requirements for campaign finance disclosure and for identifying persons responsible for campaign writings; penalties.

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-901, 24.2-908, 24.2-910 and 24.2-1014 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.

"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 include any person or group of persons under the control of a candidate or the major purpose of which is the nomination, election, or defeat of a candidate.* 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.

§ 24.2-908. Statement of organization.

Each ~~person~~ and political committee which anticipates receiving contributions or making expenditures in excess of \$100 shall file with the State Board a statement of organization (i) within ten days after its organization or, if later, within ten days after the date on which it has information which causes the ~~person~~ or committee to anticipate it will receive contributions or make expenditures in excess of \$100 or on which it otherwise becomes subject to the provisions of this chapter, and (ii) annually thereafter by January 15. This requirement shall not apply to a ~~person~~ or committee whose only disbursement is in the form of a contribution and which itself receives no contributions from which the disbursement is

60 made.

61 The statement of organization shall include:

- 62 1. The name and address of the ~~person or~~ committee;
- 63 2. The names, addresses, and relationships of affiliated or connected organizations;
- 64 3. The area, scope, or jurisdiction of the ~~person or~~ committee;
- 65 4. The name, residence and business addresses, and position of the custodian, if any, of books and
66 accounts;
- 67 5. The name, residence address, and position of other principal officers, including officers and
68 members of the finance committee, if any;
- 69 6. The name, address, office sought, and party affiliation of each individual whom the ~~person or~~
70 committee is supporting or opposing for nomination or for election to any public office whatever or, if
71 supporting the entire ticket of any party, the name of the party;
- 72 7. In the event the ~~person or~~ committee is promoting or opposing a referendum, the subject of the
73 referendum, the date and location of the election, and a statement whether the ~~person or~~ committee is
74 promoting or opposing the referendum question;
- 75 8. In the case of an inaugural fund committee, the name, address, and office to which elected of the
76 person on whose behalf the committee is organized;
- 77 9. A statement whether the ~~person or~~ committee is a continuing one;
- 78 10. The disposition of residual funds which will be made in the event of dissolution;
- 79 11. A listing of all banks, safe-deposit boxes, or other repositories used; and
- 80 12. Such other information as shall be required by the State Board.

81 Any change in information previously submitted in a statement of organization shall be reported to
82 the State Board within ten days following the change.

83 Any ~~person or~~ committee which, after having filed one or more statements of organization, disbands
84 or determines it will no longer receive contributions or make expenditures during the calendar year in an
85 aggregate amount exceeding \$100 shall so notify the State Board.

86 § 24.2-910. Political committees and persons required to file disclosure reports.

87 A. Any ~~person or~~ political committee required to file a statement of organization by § 24.2-908 shall
88 be required to maintain records and file disclosure reports as provided in Article 4 (§ 24.2-914 *et seq.*)
89 of this chapter.

90 B. Any ~~person or~~ political committee making independent expenditures shall maintain records and
91 report pursuant to Article 4 (§ 24.2-914 *et seq.*) of this chapter all contributions received and
92 expenditures made of:

- 93 1. Any funds, in the aggregate, in excess of \$500 for a statewide election or \$100 for any other
94 election expended for the purpose of influencing the outcome of any election;
- 95 2. Any funds in any amount expended to publish or broadcast to the public any material referring to
96 a candidate by name, description, or other reference and (i) advocating his election or defeat, (ii) setting
97 forth his position on any public issue, voting record, or other official acts, or (iii) otherwise designed to
98 influence individuals to cast their votes for or against him or to withhold their votes from him; and
- 99 3. Any funds in any amount expended to publish or broadcast to the public any material promoting
100 or opposing a question submitted to the voters in a referendum.

101 C. Any person other than a political committee making expenditures or independent expenditures to
102 expressly advocate the election or defeat of a clearly identified candidate shall maintain records and
103 report pursuant to Article 4 (§ 24.2-914 *et seq.*) of this chapter:

- 104 1. All expenditures for communications that expressly advocate the election or defeat of a clearly
105 identified candidate;
- 106 2. All expenditures made in cooperation or concert with or at the request or suggestion of any
107 candidate or any authorized committee or agent of such candidate; and
- 108 3. For any contributions received in excess of \$100 for the purpose of furthering the election or
109 defeat of a clearly identified candidate, the amount of and the identity of the persons making the
110 contributions.

111 § 24.2-1014. Identifying persons responsible for campaign writing; penalties.

112 A. As used in this section "writing" includes any printed or otherwise reproduced statement or
113 advertisement, but shall not include editorial comment or news coverage which is sponsored and
114 financed by the news medium publishing or broadcasting it nor writings authorized by the candidate on
115 novelties including, but not limited to, pens, pencils, and buttons to be attached to wearing apparel.

116 B. It shall be unlawful for any person to cause any writing other than a television or radio broadcast
117 to appear ~~concerning~~ *advocating the election or defeat of any clearly identified* potential nominee or
118 candidate; ~~or concerning any question to be submitted to the voters~~ unless such writing plainly identifies
119 the person responsible for it. The writing shall carry the statement "authorized by" and contain
120 the following information to complete the statement:

- 121 1. The name of the candidate if the writing is authorized by the candidate or his campaign

122 committee;
 123 2. The name of the political party committee if the writing is authorized by that committee; or
 124 3. If authorized by any person other than the candidate, his campaign committee, or a political party
 125 committee, either:
 126 a. In the case of a committee that has filed a statement of organization under § 24.2-908, the full
 127 name of the committee and a registration number provided by the State Board, or
 128 b. In any other case, the full name and residence address of the individual responsible for the
 129 writing.
 130 C. It shall be unlawful for any person to use a false or fictitious name or address on any such
 131 writing described in subsection B.
 132 D. It shall be unlawful for any person to cause any radio or television statement to appear
 133 *advocating the election or defeat of any clearly identified candidate* unless the advertisement or
 134 statement contains information which plainly identifies the candidate, committee, or individual
 135 responsible for it.
 136 E. Any person violating any provision of this section shall be subject to a civil penalty not to exceed
 137 fifty dollars; and, in the case of a willful violation, he shall be guilty of a Class 1 misdemeanor. The
 138 procedure to enforce the civil penalty provided in this section shall be as stated in § 24.2-929. The
 139 violation of this section shall not void any election.