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## SENATE BILL NO. 1024

Offered January 20, 1997

*A BILL to amend and reenact § 24.2-101 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 24.2-914.2 and by adding in Title 24.2 a chapter numbered 9.1, consisting of sections numbered 24.2-940, 24.2-941 and 24.2-942, relating to campaign finance reforms for elections for Governor, Lieutenant Governor, Attorney General, and the General Assembly, including electronic filing of certain campaign finance disclosure reports, campaign contribution limits, and restrictions on campaign fundraising activities during regular sessions of the General Assembly; penalties.*

Patrons—Bolling, Benedetti, Miller, K.G., Norment, Schrock, Waddell, Whipple and Williams

Referred to the Committee on Privileges and Elections

**Be it enacted by the General Assembly of Virginia:**

**1. That § 24.2-101 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 24.2-914.2 and by adding in Title 24.2 a chapter numbered 9.1, consisting of sections numbered 24.2-940, 24.2-941 and 24.2-942, as follows:**

§ 24.2-101. Definitions.

As used in this title, unless the context requires a different meaning:

"Candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. "Candidate" shall include a person who seeks the nomination of a political party or who, by reason of receiving the nomination of a political party for election to an office, is referred to as its nominee. For the purposes of Chapters 8 (§ 24.2-800 et seq.) and 9 (§ 24.2-900 et seq.), and 9.1 (§ 24.2-940 et seq.) of this title, "candidate" shall include any write-in candidate.

"Central absentee voter precinct" means a precinct established by a county or city pursuant to § 24.2-712 for the processing of absentee ballots for the county or city or any combination of precincts within the county or city.

"Constitutional office" or "constitutional officer" means a county or city office or officer referred to in Article VII, Section 4 of the Constitution of Virginia: clerk of the circuit court, attorney for the Commonwealth, sheriff, commissioner of the revenue, and treasurer.

"Election" means a general, primary, or special election.

"Election district" means the territory designated by proper authority or by law which is represented by an official elected by the people, including the Commonwealth, a congressional district, a General Assembly district, or a district for the election of an official of a county, city, town, or other governmental unit.

"Electoral board" or "local electoral board" means a board appointed pursuant to § 24.2-106 to administer elections for a county or city. The electoral board of the county in which a town or the greater part of a town is located shall administer the town's elections.

"General election" means an election held in the Commonwealth on the Tuesday after the first Monday in November or on the first Tuesday in May for the purpose of filling offices regularly scheduled by law to be filled at those times.

"Officer of election" means a person appointed by an electoral board pursuant to § 24.2-115 to serve at a polling place for any election.

"Party" or "political party" means an organization of citizens of the Commonwealth which, at either of the two preceding statewide general elections, received at least ten percent of the total vote cast for any statewide office filled in that election. The organization shall have a state central committee and an office of elected state chairman which have been continually in existence for the six months preceding the filing of a nominee for any office.

"Polling place" means the one place provided for each precinct at which the qualified voters who are residents of the precinct may vote.

"Precinct" means the territory designated by the governing body of a county, city, or town to be served by one polling place.

"Primary" or "primary election" means an election held for the purpose of selecting a candidate to be the nominee of a political party for election to office.

"Qualified voter" means a person who is entitled to vote pursuant to the Constitution of Virginia and who is (i) eighteen years of age, (ii) a resident of the Commonwealth and of the precinct in which he

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60 offers to vote, and (iii) registered to vote. No person who has been convicted of a felony shall be a  
61 qualified voter unless his civil rights have been restored by the Governor or other appropriate authority.  
62 No person adjudicated to be mentally incompetent shall be a qualified voter unless his competency has  
63 been reestablished as provided by law.

64 "Qualified voter in a town" means a person who is a resident within the corporate boundaries of the  
65 town in which he offers to vote, duly registered in the county of his residence, and otherwise a qualified  
66 voter.

67 "Referendum" means any election held pursuant to law to submit a question to the voters for  
68 approval or rejection.

69 "Registered voter" means any person who is maintained on the Virginia voter registration system. All  
70 registered voters shall be maintained on the Virginia voter registration system with active status unless  
71 assigned to inactive status by a general registrar in accordance with Chapter 4 (§ 24.2-400 et seq.). For  
72 purposes of applying the precinct size requirements of § 24.2-307, calculating election machine  
73 requirements pursuant to Article 3 (§ 24.2-625 et seq.) of Chapter 6 and determining the number of  
74 signatures required for candidate and voter petitions, "registered voter" shall include only persons  
75 maintained on the Virginia voter registration system with active status.

76 "Registration records" means all official records concerning the registration of qualified voters and  
77 shall include all records, lists, and files, whether maintained in books, on cards, on automated data  
78 bases, or by any other legally permitted record-keeping method.

79 "Residence" or "resident," for all purposes of qualification to register and vote, means and requires  
80 both domicile and a place of abode. In determining domicile, consideration may be given to a person's  
81 expressed intent, conduct, and all attendant circumstances including, but not limited to, financial  
82 independence, business pursuits, employment, income sources, residence for income tax purposes,  
83 marital status, residence of parents, spouse and children, if any, leasehold, sites of personal and real  
84 property owned by the person, motor vehicle and other personal property registration, and other factors  
85 reasonably necessary to determine the qualification of a person to register or vote.

86 "Special election" means any election which is held pursuant to law to fill a vacancy in office or to  
87 hold a referendum.

88 "State Board" or "Board" means the State Board of Elections.

89 "Virginia voter registration system" or "voter registration system" means the automated central  
90 record-keeping system for all voters registered within the Commonwealth which is maintained as  
91 provided in Article 2 (§ 24.2-404 et seq.) of Chapter 4 of this title.

92 § 24.2-914.2. *Electronic filing of certain campaign finance disclosure reports.*

93 A. *Beginning on or before January 1, 1999, the State Board of Elections shall enter or cause to be*  
94 *entered into a campaign-finance electronic database the information in required disclosure reports from*  
95 *campaign committees for candidates for the General Assembly and the statewide offices of Governor,*  
96 *Lieutenant Governor, and Attorney General.*

97 B. *The reports shall be filed on a format specified by the Board.*

98 C. *By January 1, 1999, the reports required to be filed with the State Board, except for those*  
99 *submitted under subsection D, shall be filed via an electronic transfer approved by the Board using*  
100 *either software designated by the Board or other software that meets Board standards.*

101 D. *Campaign committees that receive less than \$10,000 in contributions and make less than \$10,000*  
102 *in expenditures may elect to file the required disclosure reports in a typed, printed, or legibly*  
103 *hand-printed format on the form prescribed by the Board.*

104 E. *Other reports required by this chapter to be filed with the Board may be filed via an electronic*  
105 *transfer on terms agreed to by the filer and Board.*

#### 106 CHAPTER 9.1.

#### 107 CAMPAIGN FUNDRAISING RESTRICTIONS AND LIMITS.

108 § 24.2-940. *Campaign fundraising restrictions; legislative sessions; penalties.*

109 A. *The Governor, Lieutenant Governor, Attorney General, or any member of the General Assembly,*  
110 *or his designated campaign committee, shall not solicit or accept a contribution from any person,*  
111 *political committee, or other entity, including any corporation, labor organization, or political action*  
112 *committee, from January 1 through adjournment sine die of that year's regular session of the General*  
113 *Assembly.*

114 B. *No person, political committee, or other entity, including any corporation, labor organization, or*  
115 *political action committee, shall make or promise to make a contribution to the Governor, Lieutenant*  
116 *Governor, Attorney General, or any member of the General Assembly, or his campaign committee, from*  
117 *January 1 through adjournment sine die of that year's regular session of the General Assembly.*

118 C. *The restrictions of this section shall not apply to a contribution made by a candidate to his own*  
119 *campaign committee, to a contribution to the campaign committee of a candidate in a special election,*  
120 *or to a contribution to the campaign committee of a candidate in a contested political party nominating*  
121 *process.*

D. Any person who knowingly violates the restrictions of this section shall be subject to a civil penalty equal to the amount of the prohibited contribution or promised contribution, and any person receiving a prohibited contribution shall be required to return the contribution to the maker of the contribution. The attorney for the Commonwealth of the locality where the candidate or contributor lives shall initiate civil proceedings to enforce the civil penalty provided herein. Any civil penalties collected shall be payable to the State Treasurer for deposit in the general fund.

§ 24.2-941. Limits on contributions to candidates for Governor, Lieutenant Governor, Attorney General, or the General Assembly; penalties.

A. No person, political committee, or other entity, including any corporation, labor organization, or political action committee, shall make contributions to a candidate for Governor, Lieutenant Governor, or Attorney General which, in the aggregate, exceed \$5,000 for that candidate in any one election.

B. No person, political committee, or other entity, including any corporation, labor organization, or political action committee, shall make contributions to a candidate for the General Assembly which, in the aggregate, exceed \$2,000 for that candidate in any one election.

C. The limits stated in this section shall not apply to contributions by a candidate to his own campaign, either directly or through the transfer of surplus balances from a prior campaign committee.

D. Contributions by a husband and wife are considered separate contributions. Contributions by unemancipated children under eighteen years of age are considered contributions by their parents and shall be apportioned equally to each parent, or, in the case of a single custodial parent, the total amount of such contributions is attributed to the custodial parent.

E. A loan is considered a contribution from the maker and the guarantor of the loan and is subject to the contribution limits stated in this section.

F. If a candidate is opposed for a political party nomination, the limits stated in this section shall apply separately to the party nominating process and to the general election. The period preceding the completion of the party nominating process shall constitute one election, and, if the candidate is nominated, the period following the completion of the party nominating process shall constitute a second election. A candidate who is defeated for a political party nomination and has a campaign deficit may continue to accept contributions to retire the deficit following the completion of the party nominating process, subject to the limits applicable to the party nominating process.

G. The limits for an election stated in this section shall cease to be applicable to any candidate on and after the date on which an opponent candidate contributes to his own campaign an aggregate amount which is in excess of \$100,000 in the case of a statewide election or \$25,000 in the case of an election for the General Assembly. For the purpose of determining such aggregate contributions, the transfer of surplus balances from a prior campaign committee shall not be included.

H. In addition to any other reporting requirements of this chapter and Chapter 9 (§ 24.2-900 et seq.) of this title, any candidate who contributes to his own campaign an amount in excess of the aggregate limit stated in subsection G of this section, within twenty-four hours of making such contribution, shall file with the State Board of Elections, or with the State Board and the appropriate local electoral board in the case of a General Assembly candidate, and with every candidate he is opposing in the nomination process or election, a report stating such aggregate contributions made by him.

I. Any candidate who knowingly accepts any contribution in excess of the limits stated in this section shall be subject to a civil penalty equal to the excess amount accepted by him, and shall be required to return any such excess amounts to the maker of the contributions. The attorney for the Commonwealth of the locality where the candidate lives shall initiate civil proceedings to enforce the civil penalty provided herein. Any civil penalties collected shall be payable to the State Treasurer for deposit in the general fund.

§ 24.2-942. Definitions.

As used in this chapter:

"Adjournment sine die" means adjournment on the last legislative day of the regular session, and such session does not include the ensuing reconvened session;

"Campaign committee," "contribution," "person," and "political committee" shall be defined as provided in § 24.2-901;

"Candidate" shall be defined as provided in § 24.2-101 and shall include the candidate and the candidate's designated campaign committee; and

"Solicit" means request a contribution, orally or in writing.

2. That the provisions of this act shall become effective on July 1, 1997, except that the provisions of § 24.2-941 shall become effective on January 1, 1998, and shall be applicable to any contribution made on and after that date for any election to be held on or after that date. The provisions of this act shall not be applicable to contributions made prior to January 1, 1998, and contributions made on and after January 1, 1998, shall not be aggregated with contributions made before that date for the purposes of § 24.2-941.