

2009 SESSION

LEGISLATION NOT PREPARED BY DLS
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HOUSE BILL NO. 2658

Offered January 23, 2009

A *BILL to amend and reenact §§ 24.2-114, 24.2-945.2, 24.2-946 through 24.2-946.3, 24.2-946.5, 24.2-947.1, 24.2-947.5, 24.2-947.9, 24.2-948, 24.2-950.8, 24.2-953.3, 24.2-953.4, 24.2-954, and 24.2-955.3 of the Code of Virginia; and to amend the Code of Virginia by adding in Chapter 1 of Title 24.2 a section numbered 24.2-105.3, relating to duties of the State Board of Elections, fees and civil penalties to cover expense of regulation.*

Patron—Brink

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-114, 24.2-945.2, 24.2-946 through 24.2-946.3, 24.2-946.5, 24.2-947.1, 24.2-947.5, 24.2-947.9, 24.2-948, 24.2-950.8, 24.2-953.3, 24.2-953.4, 24.2-954, and 24.2-955.3 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 1 of Title 24.2 a section numbered 24.2-105.3 as follows:

§ 24.2-105.3. *Fees to cover expense of regulation.*

The fees paid to the state treasury under this Title, including civil penalties collected under Chapters 9.3, 9.4, and 9.5, shall be deposited into a special fund and specifically accounted for and used by the State Board of Elections to defray the costs of supervising, implementing, and administering the provisions of this Title. Included in the Board's costs shall be a reasonable margin in the nature of a reserve fund. All excesses of fees collected exceeding these costs shall be paid to the general fund.

In lieu of any filing fee required under this Title, other than civil penalties collected under Chapters 9.3, 9.4, and 9.5, a candidate may execute an affidavit before the circuit court clerk or the general registrar, in a form prescribed by the State Board of Elections, affirming, subject to felony penalties for false statements under § 24.2-1016, that he is indigent and unable to pay the filing fee required under this Title.

§ 24.2-114. Duties and powers of general registrar.

In addition to the other duties required by this title, the general registrar, and the assistant registrars acting under his supervision, shall:

1. Maintain the office of the general registrar and establish and maintain additional public places for voter registration in accordance with the provisions of § 24.2-412.

2. Participate in programs to educate the general public concerning registration and encourage registration by the general public. No registrar shall actively solicit, in a selective manner, any application for registration or for a ballot or offer anything of value for any such application.

3. Perform his duties within the county or city he was appointed to serve, except that a registrar may (i) go into a county or city in the Commonwealth contiguous to his county or city to register voters of his county or city when conducting registration jointly with the registrar of the contiguous county or city or (ii) notwithstanding any other provision of law, participate in multijurisdictional staffing for voter registration offices, approved by the State Board, that are located at facilities of the Department of Motor Vehicles.

4. Provide the appropriate forms for applications to register and to obtain the information necessary to complete the applications pursuant to the provisions of the Constitution of Virginia and general law.

5. Indicate on the registration records for each accepted mail voter registration application form returned by mail pursuant to Article 3.1 (§ 24.2-416.1 et seq.) of Chapter 4 that the registrant has registered by mail. The general registrar shall fulfill this duty in accordance with the instructions of the State Board so that those persons who registered by mail are identified on the registration records, lists of registered voters furnished pursuant to § 24.2-405, lists of persons who voted furnished pursuant to § 24.2-406, and pollbooks used for the conduct of elections.

6. Accept a registration application or request for transfer or change of address submitted by or for a resident of any other county or city in the Commonwealth. Registrars shall process registration applications and requests for transfer or change of address from residents of other counties and cities in accordance with written instructions from the State Board and shall forward the completed application or request to the registrar of the applicant's residence. Notwithstanding the provisions of § 24.2-416, the registrar of the applicant's residence shall recognize as timely any application or request for transfer or change of address submitted to any person authorized to receive voter registration applications pursuant to Chapter 4 (§ 24.2-400 et seq.), prior to or on the final day of registration. The registrar of the applicant's residence shall determine the qualification of the applicant and promptly notify the applicant

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59 at the address shown on the application or request of the acceptance or denial of his registration or
60 transfer. However, notification shall not be required when the registrar does not have an address for the
61 applicant.

62 7. Preserve order at and in the vicinity of the place of registration. For this purpose, the registrar
63 shall be vested with the powers of a conservator of the peace while engaged in the duties imposed by
64 law. He may exclude from the place of registration persons whose presence disturbs the registration
65 process. He may appoint special officers, not exceeding three in number, for a place of registration and
66 may summon persons in the vicinity to assist whenever, in his judgment, it is necessary to preserve
67 order. The general registrar and any assistant registrar shall be authorized to administer oaths for
68 purposes of this title.

69 8. Maintain the official registration records for his county or city in the system approved by, and in
70 accordance with the instructions of, the State Board; preserve the written applications of all persons who
71 are registered; and preserve for a period of four years the written applications of all persons who are
72 denied registration or whose registration is cancelled.

73 9. If a person is denied registration, promptly notify such person in writing of the denial and the
74 reason for denial in accordance with § 24.2-422.

75 10. Verify the accuracy of the pollbooks provided for each election by the State Board, make the
76 pollbooks available to the precincts, and according to the instructions of the State Board return the
77 pollbooks, or transfer a copy of the data from any electronic pollbooks, to the State Board after each
78 election for voting credit purposes.

79 11. After the return of the pollbooks by the State Board, retain the pollbooks in his principal office
80 for two years from the date of the election.

81 12. Maintain accurate and current registration records and comply with the requirements of this title
82 for the transfer, inactivation, and cancellation of voter registrations.

83 13. Whenever election districts, precincts, or polling places are altered, provide for entry into the
84 voter registration system of the proper district and precinct designations for each registered voter whose
85 districts or precinct have changed and notify each affected voter of changes affecting his districts or
86 polling place by mail.

87 14. Whenever any part of his county or city becomes part of another jurisdiction by annexation,
88 merger, or other means, transfer to the appropriate general registrar the registration records of the
89 affected registered voters. The general registrar for their new county or city shall notify them by mail of
90 the transfer and their new election districts and polling places.

91 15. When he registers any person who was previously registered in another state, notify the
92 appropriate authority in that state of the person's registration in Virginia.

93 16. Whenever any person is believed to be registered or voting in more than one state or territory of
94 the United States at the same time, inquire about, or provide information from the voter's registration
95 and voting records to any appropriate voter registration or other authority of another state or territory
96 who inquires about, that person's registration and voting history.

97 17. At the request of the county or city chairman of any political party nominating a candidate for
98 the General Assembly, constitutional office, or local office by a method other than a primary, review
99 any petition required by the party in its nomination process to determine whether those signing the
100 petition are registered voters with active status.

101 18. Carry out such other duties as prescribed by the electoral board.

102 19. Attend, or designate one member of his staff to attend, an annual training program provided by
103 the State Board.

104 20. *Provide the electoral board with a copy of all campaign finance filings for local candidates filed*
105 *with and provided by the State Board pursuant to § 24.2-946.2.*

106 § 24.2-945.2. Persons required to file independent expenditure disclosure reports; filing deadline.

107 A. Any person, candidate campaign committee, or political committee that makes independent
108 expenditures, in the aggregate during an election cycle, of \$1,000 or more for a statewide election or
109 \$200 or more for any other election shall maintain records and report pursuant to this chapter all such
110 independent expenditures made for the purpose of expressly advocating the election or defeat of a
111 clearly identified candidate.

112 B. Independent expenditure reports shall be due (i) within 24 hours of the time when the funds were
113 expended or (ii) within 24 hours of the time when materials, as described in subsection A of this
114 section, are published or broadcast to the public, whichever (i) or (ii) first occurs. The reports shall be
115 filed with the State Board if the funds were expended to support or oppose a candidate for statewide
116 office or the General Assembly or with the local electoral board of the county or city in which the
117 candidate resides if the funds were expended to support or oppose a candidate for local office. The
118 report filed by a political action committee or political party committee shall include the information
119 required for a statement of organization as listed in subdivisions A1 through A8 of § 24.2-949.2 or
120 clauses 1 through 6 of § 24.2-950.2, as appropriate, unless the committee has a current statement of

organization on file with the State Board. *The State Board shall notify the appropriate electoral board of reports relating to candidates for local office.*

C. Independent expenditure reports required by this section may be filed electronically pursuant to § 24.2-946.1 or in writing on a form developed by the State Board. If the report is filed in writing, the report shall be (i) received by the State Board ~~or the local electoral board, as appropriate,~~ within 24 hours of the time when the funds were expended or (ii) transmitted to the State Board ~~or the local electoral board, as appropriate,~~ by telephonic transmission to a facsimile device within 24 hours of the time when the funds were expended with an original copy of the report mailed to the State Board ~~or the local electoral board, as appropriate,~~ and postmarked within 24 hours of the time when the funds were expended.

§ 24.2-946. Summary of election laws; forms; instructions; filing fee.

A. The State Board shall summarize the provisions of the election laws relating to the Campaign Finance Disclosure Act of 2006 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.

B. The Board shall designate the forms required for complying with this chapter which shall be the only such forms used in complying with the provisions of this chapter.

C. The Board shall provide, with the summary required by this section, instructions for persons filing reports pursuant to this chapter to assist them in completing the reports. The instructions shall include directions for the reporting of filing fees for any party nomination method.

D. The Board shall provide instructions for candidates who seek election for successive terms in the same office for the filing of reports within each appropriate election cycle for the office and for the aggregation of contributions within each election cycle.

E. The Board shall charge an annual fee of \$25.00 to each candidate committee for local office and \$100.00 to each other committee required to make any filing under this Chapter. The fee shall be due at the time of the first filing for the calendar year. The Board shall annually adjust the amount of the fee collected pursuant to this section to reflect any increase or decrease in the Consumer Price Index. Any person unable to pay the fee may file a statement of indigency as provided in § 24.2-105.3.

§ 24.2-946.1. Standards and requirements for electronic preparation and transmittal of campaign finance disclosure reports; database.

A. The State Board shall review or cause to be developed and shall approve standards for the preparation, production, and transmittal by computer or electronic means of campaign finance reports required by this chapter. The State Board may prescribe the method of execution and certification of and the procedures for receiving electronically filed campaign finance reports required by this chapter ~~in the office of the State Board or any local electoral board.~~ The State Board may provide campaign finance report-creation software to filers without charge or at a reasonable cost.

B. The State Board shall accept any campaign finance report filed by candidates for the General Assembly and statewide office by computer or electronic means in accordance with the standards approved by the Board and using software meeting standards approved by it. This information shall be made available to the public promptly by the Board through the Internet.

C. By July 1, 2007, the State Board of Elections shall develop and implement a centralized system to accept reports from any candidate for local or constitutional office. Such reports shall be filed in accordance with, and using software that meets, standards approved by the State Board. The State Board shall promptly notify the electoral board of the locality in which a candidate resides and make the information contained in the report available to the electoral board.

D. The State Board shall enter or cause to be entered into a campaign finance database, available to the public through the Internet, the information from required campaign finance reports filed by computer, electronic, or other means by candidates for the General Assembly and statewide office.

E. Other campaign finance reports required by this chapter to be filed by a committee ~~with the State Board or a local electoral board, or both,~~ may be filed electronically on terms agreed to by the committee and the Board.

§ 24.2-946.2. Custody of reports; inspection and copying.

A. All campaign finance reports shall be open to inspection by any person during the business hours of the office in which they are filed *or in the office of any local electoral board that has been provided a copy by the State Board of Elections.* Copies shall be produced for any person requesting them who shall pay the reasonable cost of the copies. Copies of such reports certified by the principal administrative officer in whose office they are kept shall be evidence in all courts to the same extent as the original report would be if produced and proved.

B. The following applies to campaign finance reports filed by candidate campaign committees:

1. ~~Every officer or local electoral board, with whom reports are required to be filed by this chapter,~~ shall file and preserve such reports and keep them as part of records for at least one year after the final

182 report is filed, or through the next general election for the office to which they pertain, whichever is
183 later; or in the case of a candidate who has not filed a final report and seeks election to the same office
184 in a successive election, through the next general election for the office to which they pertain.

185 2. The State Board shall file and preserve as part of its records the reports required to be filed with
186 it by this chapter for at least one year after the final report is filed, or through the next general election
187 for the office to which they pertain, whichever is later; or in the case of a candidate who has not filed a
188 final report and seeks election to the same office in a successive election, through the next general
189 election for the office to which they pertain. Thereafter, the State Board shall forward the reports it
190 preserves to The Library of Virginia for preservation under the Virginia Public Records Act (§ 42.1-76
191 et seq.). *The State Board shall provide to each general registrar before the filing deadline in § 24.2-503*
192 *copies of all campaign finance reports by candidates for local offices.*

193 C. The following applies to campaign finance reports filed by political committees:

194 1. Every officer or local electoral board, with whom reports are required to be filed by this chapter,
195 shall file and preserve such reports as part of the office's records for at least four years after the
196 reporting deadline or one year after the final report is filed.

197 2. The State Board shall file and preserve as part of its records the reports required to be filed with
198 it by this chapter for at least four years after the reporting deadline or one year after the final report is
199 filed. Thereafter, the State Board shall forward the reports it preserves to The Library of Virginia for
200 preservation under the Virginia Public Records Act (§ 42.1-76 et seq.).

201 § 24.2-946.3. Reporting of certain violations; penalties; payment of administrative collection costs.

202 A. It shall be the duty of the State Board to report any violation of the provisions of this chapter to
203 the appropriate attorney for the Commonwealth. The State Board shall report to the attorney for the
204 Commonwealth of the City of Richmond in the case of reporting requirements for campaign committees
205 for statewide office and to the attorney for the Commonwealth of the county or city of the residence of
206 a candidate for the General Assembly. For political committees, the State Board shall report the
207 violation to the attorney for the Commonwealth of the City of Richmond. If all the officers of a political
208 committee are residents of one county or city as shown on the statement of organization required by this
209 chapter, the State Board shall report violations for that political committee to the attorney for the
210 Commonwealth of that county or city.

211 B. It shall be the duty of the electoral board of a county or city to report any violation of the
212 provisions of this chapter relating to the filing of campaign finance reports ~~required to be filed with the~~
213 ~~electoral board~~ *by a candidate for local office* to the attorney for the Commonwealth for the county or
214 city in which the electoral board has jurisdiction.

215 C. In order to fulfill the duty to report violations pursuant to subsections A and B, the Board shall
216 establish and implement a system for receiving, cataloging, and reviewing reports filed pursuant to the
217 provisions of this chapter and for verifying that reports are complete and submitted on time. As part of
218 the system referred to in this subsection, the general registrar for each county and city, or the secretary
219 of the electoral board in any county or city in which the electoral board chooses to perform the duties
220 stated in this subsection, shall be required, in accordance with instructions provided by the Board, to
221 receive, catalog, and review the reports filed with the *State Board and copied to the* local electoral
222 board and to verify that the reports are complete and submitted on time.

223 D. The State Board, and the general registrar or secretary of the electoral board in accordance with
224 the instructions of the State Board, (i) shall assess and collect the civil penalties provided in Article 8
225 and (ii) if unable to collect the penalty shall report the violation to the appropriate attorney for the
226 Commonwealth for enforcement. *The State Board may attempt to collect unpaid fines and fees using the*
227 *Setoff Debt Collection Act (§ 58.1-520 et seq.).*

228 *D1. The State Board of Elections may impose, upon each person chargeable with delinquent fees or*
229 *civil penalties, fees to cover the administrative costs of enforcing collection. The administrative costs*
230 *shall be in addition to all the delinquent fees, civil penalties and interest, and shall not exceed \$30 for*
231 *fees or civil penalties collected subsequent to 30 or more days after notice of delinquent fees or civil*
232 *penalties to the responsible person but before reporting the violation to the Commonwealth's attorney*
233 *for enforcement pursuant to subsection F.*

234 *No fee or civil penalty shall be deemed delinquent and subject to the collection procedures*
235 *prescribed herein during the pendency of any request for waiver provided in subsection G, so long as*
236 *the appeal is filed within 90 days of the date of notice of the assessment to the responsible person, and*
237 *for 30 days after the date of the final determination of the request.*

238 E. The State Board, or the general registrar or secretary of the electoral board in accordance with the
239 instructions of the State Board, shall notify, no later than 21 days after the report due date, any person
240 submitting an incomplete report of the need for additional information. The State Board, or the general
241 registrar or secretary of the electoral board in accordance with the instructions of the State Board, may
242 request additional information to correct obvious mathematical errors and to fulfill the requirements for
243 information on the reports.

F. Upon notice of a violation of this chapter, the State Board or the general registrar or local electoral board, as appropriate, shall within 90 days of the report deadline notify the appropriate attorney for the Commonwealth, who shall initiate civil proceedings to enforce the civil penalties assessed by the State Board or the local electoral board as provided herein. Any civil penalties collected pursuant to action by the State Board shall be payable to the State Treasurer for deposit to the general fund, and any civil penalties collected pursuant to action by a general registrar or local electoral board shall be payable to the treasurer of the locality for deposit to its general fund Board as provided in § 24.2-105.3.

G. In the case of any political person or committee that is required to file a statement of organization or other report pursuant to this chapter, the State Board shall be authorized to waive a fee or penalty that has been assessed if the filer demonstrates that there exists good cause to waive the fee or penalty.

H. The State Board shall notify the public through its official Internet website of any violation based on the failure to file a required report by a candidate for statewide office or the General Assembly and the identity of the violator.

I. The State Board shall determine the schedule of civil penalties required to be followed by its staff and local electoral boards in assessing penalties under this chapter. No election official or staff may waive or reduce such penalties, except as provided in § 24.2-946.4.

§ 24.2-946.5. Dormant committees.

A. The State Board or the electoral board of any county or city may close the file of any candidate campaign committee or political committee required to file with it provided the committee that has not filed a final report and the Board or board cannot locate either the candidate or his campaign treasurer, or in the case of any political committee, the Board or board cannot locate the treasurer or custodian of the books of the committee. A candidate campaign committee file shall not be closed if the candidate has filed a report with the Board or board for any campaign for any office within the prior five years. A political committee file shall not be closed if the committee has filed a report within the prior five years. The State Board shall notify the appropriate electoral board of the closing of any committee file relating to a candidate for local office.

B. Once the committee's file has been closed, no more reports will be due and no additional penalties for failure to file will accrue. However, if the whereabouts of the candidate or his campaign treasurer, or in the case of any political committee, the treasurer or custodian of the books of the committee, later becomes known to the Board or board, it may reopen the file and send notice to the candidate, or in the case of any political committee, the treasurer or custodian of the books of the committee, requesting that he file the appropriate reports and pay any penalties that were levied before the file was closed by it.

§ 24.2-947.1. Statement of organization.

A. Any individual seeking or campaigning for an office of the Commonwealth or one of its governmental units in a party nomination process or general, primary, or special election, shall file a statement of organization within 10 days of meeting any one of the following conditions:

1. Acceptance of a contribution;
2. Expenditure of any funds;
3. The payment of a filing fee for any party nomination method;
4. The filing of a candidate statement of qualification pursuant to § 24.2-501; or
5. The appointment of a campaign treasurer, designation of a campaign committee, or designation of a campaign depository.

B. Candidates for statewide office shall file the statement with the State Board. Candidates for the General Assembly shall file the statement with the State Board and a copy of the statement with the local electoral board of the candidate's residence. Candidates for local or constitutional office shall file the statement with the local electoral board and, if the statement indicates that the candidate committee will be filing electronically, a copy with the State Board.

C. The statement of organization shall include the following information:

1. The full name and residence address of the candidate;
2. The full name and mailing address for the campaign committee;
3. The full name, residence address, and daytime phone number of the treasurer;
4. The office being sought and district, if any, for the office;
5. The recognized political party affiliation of the candidate for statewide office or the General Assembly. In the absence of any political party affiliation, independent shall be used;
6. The name of the financial institution for his campaign depository; and
7. Such other information as shall be required by the State Board except that the account number for a designated depository account shall not be required.

D. In the case of any candidate who seeks election for successive terms in the same office, the statement of organization filed by the candidate shall continue in effect for such successive elections, but the candidate shall file notice of any changes in the information provided on the form within 10 days of

305 the change with the State Board, ~~local electoral board, or both, as appropriate.~~ *The State Board shall*
306 *notify the appropriate electoral board upon receipt of any changes relating to candidates for local*
307 *office.*

308 § 24.2-947.5. With whom candidates file reports.

309 A. Candidates for statewide office shall file the reports required by this article by computer or
310 electronic means in accordance with the standards approved by the State Board.

311 B. Candidates ~~for the General Assembly~~ may file reports required by this article with the State Board
312 by computer or electronic means in accordance with the standards approved by the State Board.
313 ~~Nonelectronic reports for the General Assembly shall be filed with the State Board and with the~~
314 ~~electoral board of the locality where the candidate resides.~~

315 C. ~~Except as provided in § 24.2-948.1, candidates for any other office who file reports in~~
316 ~~nonelectronic format shall file with the electoral board of the locality in which the candidate resides.~~
317 ~~Beginning July 1, 2007, candidates for local or constitutional office may file reports required by this~~
318 ~~article with the State Board by computer or other electronic means in accordance with standards~~
319 ~~approved by the State Board. Candidates who file by electronic means with the State Board do not have~~
320 ~~to file reports or copies with the electoral board of the locality in which the candidate resides.~~

321 ~~D~~ C. Any report that may be filed with the State Board by mail shall be (i) received by the State
322 Board by the deadline for filing the report or (ii) transmitted to the State Board by telephonic
323 transmission to a facsimile device by the deadline for filing the report with an original copy of the
324 report mailed to the State Board and postmarked by the deadline for filing the report.

325 § 24.2-947.9. Special report required of certain large pre-election contributions.

326 A. Any contribution reported pursuant to this section shall also be reported on the first report
327 required by this article after any election.

328 B. Except as provided in subsection C, any single contribution of \$5,000 or more for a statewide
329 office, \$1,000 or more for the General Assembly, or \$500 or more for any other office, knowingly
330 received or reported by the candidate or his treasurer on behalf of his candidacy (i) on and after the
331 twelfth day preceding a primary and before the primary date, (ii) on and after the twelfth day preceding
332 a general election and before the general election date, or (iii) on and after the eleventh day preceding
333 any other election in which the individual is a candidate and before the election day, shall be reported in
334 writing as provided in §§ 24.2-947.4 and 24.2-947.5 or electronically pursuant to § 24.2-946.1, and the
335 report shall be received by the State Board ~~or local electoral board, as appropriate,~~ by 5:00 p.m. on the
336 following day or for a contribution received on a Saturday by 5:00 p.m. on the following Monday.
337 However, any such contribution received within the 24 hours prior to the election day shall be reported
338 and a report thereof received on the day prior to the election.

339 C. The reports required by subsection B of this section shall also be required of any candidate for
340 nomination by a political party to serve as the party's nominee in a general or special election if (i) the
341 party nominates by convention or any method other than a primary and (ii) there are at least two
342 candidates for nomination pursuant to the rules and procedures of the party. In such case, candidates for
343 nomination shall be required to file the reports required by subsection B for the 12-day or 11-day
344 period, as specified by subsection B, immediately preceding:

345 1. The caucus, mass meeting, convention, or other nominating event at which the party's nomination
346 shall be finally determined pursuant to the rules and procedures of the party; and

347 2. Any caucus, mass meeting, convention, or other nominating event, other than that at which the
348 party's nomination shall be finally determined, at which delegates are chosen who are pledged to support
349 a specified candidate on at least one ballot at a subsequent district or state convention required as part
350 of the nominating process.

351 D. No report shall be required pursuant to subsection C if the candidate is or has become, by virtue
352 of the withdrawal of any opponent or the operation of the rules and procedures of the party, unopposed
353 for nomination at the time such report otherwise would be required to be made.

354 § 24.2-948. Special reports required of certain large contributions received by members of county
355 boards of supervisors and city and town councils.

356 A. Any contribution reported pursuant to this section shall also be reported on the next report
357 required by this article.

358 B. The campaign committee of any incumbent member of a county board of supervisors or city or
359 town council shall report as required by this section any single contribution of \$500 or more knowingly
360 received by the member's campaign committee during any year other than the election year for his
361 office. The receipt of the contribution shall be reported in writing as provided in §§ 24.2-947.4 and
362 24.2-947.5 or electronically pursuant to § 24.2-946.1, and the report shall be received by the ~~local~~
363 ~~electoral board~~ *State Board* by the end of the fifteenth business day following receipt of the
364 contribution. The campaign committee of a member of a county board of supervisors or city or town
365 council shall file the reports required by this section with the *State Board of Elections which shall notify*
366 *electoral board of the locality where the incumbent member resides.* Any contribution reported pursuant

to this section shall also be reported on the first periodic report required by this article following receipt of the contribution.

C. The report shall be on a form prescribed by the State Board and shall include (i) the name of the contributor, the address of the contributor, and the amount of the contribution; (ii) for each such individual contributor, the occupation of the contributor, the name of his employer or principal business, and the locality where employed or where his business is located; and (iii) for each such contributor, other than an individual, the place of business and principal type of business of the contributor.

§ 24.2-950.8. With whom political party committees file reports.

A. Except as provided in subsection B, a political party committee that is required by this chapter to file reports with the State Board, and that accepts contributions or makes expenditures in excess of \$10,000 in any calendar year, or that accepted contributions or made expenditures in excess of \$10,000 in the previous calendar year, shall file its reports with the State Board by computer or electronic means in accordance with the standards approved by the State Board until such time as the political party committee files a final report. Any political party committee that has been filing electronically, but does not anticipate accepting contributions or making expenditures in excess of \$10,000 in the upcoming calendar year, may sign a waiver, on a form prescribed by the State Board, to exempt the committee from the electronic filing requirement for the calendar year. Such waiver form shall be submitted and received no later than the date the first report is due covering activity for that calendar year.

B. A county, city, or local district political party committee shall not be required to file by computer or electronic means if it files its reports with the ~~electoral board of that county or city~~ State Board.

C. Other political party committees required to file reports by this article shall file all campaign finance reports with the State Board, if filing by electronic means, or ~~with the State Board and the local electoral board for its jurisdiction if filing campaign finance reports~~ by nonelectronic means.

§ 24.2-953.3. Incomplete reports.

A. In the case of a violation of this chapter that relates to the filing of an incomplete report, the violator shall be subject to a civil penalty not to exceed \$500 unless a greater penalty is imposed pursuant to this section. However the civil penalty shall in no case exceed \$500 unless the total of the filer's reportable contributions or the total of the filer's reportable expenditures is \$10,000 or more.

B. Prior to assessing a penalty pursuant to this section for the filing of an incomplete report, the Secretary of the State Board or the general registrar or secretary of the local electoral board, as appropriate, shall notify, by certified mail, the candidate and treasurer, or person or political committee required to file a report ~~with that board~~, that a filed report has not been completed, citing the omissions from the report. No penalty shall be assessed if the information required to complete the report is filed within 10 days of the date of mailing the written notice.

C. If the information required to complete the report is not filed within the 10-day period, the Secretary of the State Board or the general registrar or secretary of the local electoral board, as appropriate, 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 \$500. The Secretary of the State Board or the general registrar or secretary of the local electoral board, as appropriate, shall consider the following factors in determining the civil penalty assessed: the number of omissions, the amount of money involved, and the proportion of contributions or expenditures containing omissions.

D. The Secretary of the State Board or the general registrar or secretary of the local electoral board 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 10-day period. However, no additional period shall be granted thereafter for compliance.

E. The civil penalty assessed for filing an incomplete report shall be increased by \$500 every 60 days following the date for compliance established pursuant to this section and until compliance is complete. If the failure to comply continues for more than 120 days following the date for compliances established pursuant to this section, there shall be a rebuttable presumption that the violation was willful, and the matter shall be forwarded to the appropriate attorney for the Commonwealth.

F. The civil penalty assessed for filing any subsequent incomplete report (i) that is filed more than 20 days after notice has been given of a violation or (ii) that is filed during the 60 days prior to the elections for which the person is a candidate shall be \$1,000.

G. The State Board shall notify the public through its official Internet website of a failure to file a complete report by a candidate for statewide office or the General Assembly and the identity of the violator following the date for compliance established pursuant to this section.

§ 24.2-953.4. Additional civil penalties for late and incomplete filings for statewide campaigns.

A. In addition to the penalties provided in §§ 24.2-953.1, 24.2-953.2 and 24.2-953.3, any candidate for statewide office, and his campaign treasurer, who fails to file any report required in Article 3 in a timely manner or files an incomplete report may be assessed a civil penalty by the Secretary of the State

428 Board pursuant to this section.

429 B. Prior to assessing a penalty pursuant to this section, the Secretary shall notify, within 14 days of
430 the deadline for the required report, the candidate and treasurer in writing that a report has not been
431 filed or that a filed report has not been completed, citing the omissions from the report. No penalty shall
432 be assessed pursuant to this section if the report or information required to complete the report is filed
433 within seven days of the date of mailing the written notice.

434 C. If the report or information required to complete the report is not filed within the seven-day
435 period, the Secretary shall assess against the candidate and treasurer, who shall be jointly and severally
436 liable, a civil penalty of \$500 for each day that the violation continues on and after the eighth day
437 following the date of mailing the written notice. The Secretary may grant an additional period for
438 compliance, not to exceed two weeks, for good cause shown and in response to a request filed within
439 the seven-day period. However, no additional period shall be granted for compliance with the
440 requirement under subdivision 8 of § 24.2-947.6 to file a report not later than the eighth day before the
441 election. The State Board shall notify the public through its official Internet website of the violation and
442 identity of the violator.

443 D. If requested by the Secretary, the attorney for the Commonwealth of the City of Richmond shall
444 assist the Secretary in collecting the civil penalty.

445 E. Any candidate or treasurer aggrieved by the assessment pursuant to this section shall have a right
446 to the direct review of the assessment by a court of competent jurisdiction as provided in the
447 Administrative Process Act (§ 2.2-4000 et seq.). The provisions of the Act shall not apply, however, to
448 the assessment of civil penalties by the Secretary pursuant to this section.

449 F. Civil penalties collected pursuant to this section shall be payable to the State Treasurer for deposit
450 to the general fund as provided in § 24.2-105.3.

451 § 24.2-954. Campaign fundraising; legislative sessions; penalties.

452 A. No member of the General Assembly or statewide official and no campaign committee of a
453 member of the General Assembly or statewide official shall solicit or accept a contribution for the
454 campaign committee of any member of the General Assembly or statewide official, or for any political
455 committee, from any person or political committee on and after the first day of a regular session of the
456 General Assembly through adjournment sine die of that session.

457 B. No person or political committee shall make or promise to make a contribution to a member of
458 the General Assembly or statewide official or his campaign committee on and after the first day of a
459 regular session of the General Assembly through adjournment sine die of that session.

460 C. The restrictions of this section shall not apply to a contribution (i) made by a member of the
461 General Assembly or statewide official from his personal funds or (ii) made to the campaign committee
462 of a candidate in a special election.

463 D. As used in this section:

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

466 "Campaign committee," "contribution," "person," and "political committee" shall be defined as
467 provided in § 24.2-945.1 except that "contribution" shall not include money, services, or things of value
468 in any way provided by a candidate to his own campaign and the payment by the candidate of any
469 primary filing fee;

470 "Solicit" means request a contribution, orally or in writing, but shall not include a request for support
471 of a candidate or his position on an issue; and

472 "Statewide official" means the Governor, Lieutenant Governor, and Attorney General.

473 E. Any person who violates, or aids, abets, or participates in the violation of, this section shall be
474 subject to a civil penalty equal to the amount of the prohibited contribution or promised contribution or
475 \$500, whichever amount is greater. The attorney for the Commonwealth shall initiate civil proceedings
476 to enforce the civil penalty provided herein. Any civil penalties collected shall be payable to the State
477 Treasurer for deposit to the general fund as provided in § 24.2-105.3.

478 § 24.2-955.3. Penalties for violations of this chapter.

479 A. Any sponsor violating Article 2 (§ 24.2-956) of this chapter shall be subject to (i) a civil penalty
480 not to exceed \$1,000; or (ii) in the case of a violation occurring within the 14 days prior to or on the
481 election day of the election to which the advertisement pertains, a civil penalty not to exceed \$2,500. In
482 the case of a willful violation, he shall be guilty of a Class 1 misdemeanor.

483 B. Any sponsor violating Article 3 (§ 24.2-957 et seq.) or 4 (§ 24.2-958 et seq.) of this chapter shall
484 be subject to a civil penalty not to exceed \$1,000 per occurrence; or (ii) in the case of a violation
485 occurring within the 14 days prior to or on the election day of the election to which the advertisement
486 pertains, a civil penalty not to exceed \$2,500 per occurrence. In the case of a willful violation, he shall
487 be guilty of a Class 1 misdemeanor. In no event shall the total civil penalties imposed for multiple
488 broadcasts of one particular campaign advertisement exceed \$10,000.

489 C. Any person violating Article 5 of this chapter shall be subject to a civil penalty not to exceed

490 \$2,500; and in the case of a willful violation, he shall be guilty of a Class 1 misdemeanor. A violation
491 of the provisions of Article 5 of this chapter shall not void any election.

492 D. It shall not be deemed a violation of this chapter if the contents of the disclosure legend or
493 statement convey the required information.

494 E. Any civil penalties collected pursuant to an action under this section shall be payable to the State
495 Treasurer for deposit to the general fund as provided in § 24.2-105.3. The procedure to enforce the civil
496 penalties provided in this section shall be as stated in § 24.2-946.3.

INTRODUCED

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