

Department of Planning and Budget 2018 Fiscal Impact Statement

1. Bill Number: HB845

House of Origin	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Ingram

3. Committee: Privileges and Elections

4. Title: False statements during campaigns; civil penalty.

5. Summary: Prohibits a candidate from, with actual malice, sponsoring a political advertisement that contains a false statement of material fact, or otherwise making, publishing, disseminating, or circulating a false statement of material fact, about another candidate for the office to which the sponsoring candidate is seeking to be elected, if such statement is calculated to injure the targeted candidate or his candidacy. Any violation shall be proven by clear and convincing evidence, and, if so proven, a civil penalty of \$2,500 shall be assessed against the sponsoring candidate.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary – see Item 8.

8. Fiscal Implications: As stand-alone legislation, the Department of Elections considers implementation of this bill as “routine,” and does not require additional funding. However, the Department of Elections will review all electoral legislation likely to be enacted prior to the passage by each house. If the aggregate number of “routine” bills likely to pass either house is unusually large, it is possible that the Department of Elections will require additional resources. If so, the Department of Elections will identify the costs at that time.

The attorney for the Commonwealth of the county or city in which alleged violations occur would be responsible for handling any alleged violations of the proposed legislation. If a violation is proven, the candidate sponsoring the political advertisement in violation would be assessed a civil penalty of \$2,500. However, it is unclear to whom the penalty would be payable and the number of any such penalties that would result from the proposed legislation cannot be determined.

9. Specific Agency or Political Subdivisions Affected: Virginia Department of Elections and Commonwealth Attorneys

10. Technical Amendment Necessary: No

11. Other Comments: None

Date: 2/8/2018