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HOUSE BILL NO. 1641

Offered January 16, 1995

A *BILL to amend and reenact § 24.2-929 of the Code of Virginia, relating to campaign finance disclosure reports and penalties.*

Patron—Mayer

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:**1. That § 24.2-929 of the Code of Virginia is amended and reenacted as follows:**

§ 24.2-929. Penalties for violations of chapter.

A. Any person who violates, or aids, abets, or participates in the violation of, this chapter shall be subject to a civil penalty not to exceed fifty dollars, except in the case of violation of Article 4 (§ 24.2-914 et seq.) of this chapter which relates to the filing of, or the failure to file, a report due within the one hundred twenty days before or the thirty-five days after a November general election date, in which case he shall be subject to a civil penalty not to exceed \$300. In the case of a willful violation, he shall be guilty of a Class 1 misdemeanor. The attorney for the Commonwealth shall initiate civil proceedings to enforce the civil penalty provided herein. Any civil penalties collected shall be payable to the State Treasurer for deposit to the general fund. The statute of limitations applicable to a violation of this chapter is stated in § 19.2-8. There shall be a rebuttable presumption that the violation of this chapter was willful if the violation is based on a person's failure to file a report required by this chapter and his failure to file continues for more than sixty days following his actual receipt of written notice of his failure to file sent to him by certified mail, return receipt requested, by the State Board or an electoral board.

B. Prior to assessing a penalty pursuant to this section for an incomplete report, the Secretary shall notify the candidate and treasurer in writing that a 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 seven days of the date of mailing the written notice.

C. If the information required to complete the report is not filed within the seven-day period, the Secretary shall then assess against the candidate and treasurer, who shall be jointly and severally liable, a civil penalty not to exceed \$300. The Secretary may grant an additional period for compliance, not to exceed two weeks, for good cause shown and in response to a request filed within the seven-day period. However, no additional period shall be granted thereafter for compliance with the requirements of Article 4 (§ 24.2-914 et seq.) of this chapter.

INTRODUCED

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