

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred House  
3 Bill No. 429 entitled “An act relating to miscellaneous changes to election  
4 laws” respectfully reports that it has considered the same and recommends that  
5 the Senate propose to the House that the bill be amended by adding a reader  
6 assistance heading and one new section to be Sec. 11a to read as follows:

7 \* \* \* Delinquent Disclosures for Candidates for State Office, State Senator,  
8 and State Representative \* \* \*

9 Sec. 11a. 17 V.S.A. chapter 49, subchapter 4 is amended to read:

10 Subchapter 4. Miscellaneous Provisions

11 \* \* \*

12 § 2414. CANDIDATES FOR STATE AND LEGISLATIVE OFFICE;  
13 DISCLOSURE FORM

14 \* \* \*

15 (d)(1) A senatorial district clerk or representative district clerk who  
16 receives a disclosure form under this section shall forward a copy of the  
17 disclosure to the Secretary of State within three business days ~~of~~ after  
18 receiving it.

19 (2)(A) The Secretary of State shall post a copy of any disclosure forms  
20 and tax returns ~~he or she~~ the Secretary receives under this section on ~~his or her~~  
21 the Secretary’s official State website and forward a copy of disclosures made

1 by candidates for State office, State Senator, or State Representative to the  
2 State Ethics Commission. The forms shall remain posted on the Secretary's  
3 website until the date of the filing deadline for petition and consent forms for  
4 major party candidates for the statewide primary in the following election  
5 cycle.

6 \* \* \*

7 § 2415. FAILURE TO FILE; PENALTIES

8 (a) If any disclosure required of a candidate for State office, State Senator,  
9 or State Representative by section 2414 of this title is not filed by the time  
10 frames set forth in sections 2356, 2361, and 2402 of this title, the candidate for  
11 State office, State Senator, or State Representative shall be addressed as  
12 follows:

13 (1) The State Ethics Commission shall issue a notice of delinquency to  
14 the candidate for State office, State Senator, or State Representative for any  
15 disclosure required of a candidate for State office, State Senator, or State  
16 Representative by section 2414 of this title that is not filed by the time frames  
17 set forth in sections 2356, 2361, and 2402 of this title.

18 (2) Following notice of delinquency sent by the State Ethics  
19 Commission to the candidate for State office, State Senator, or State  
20 Representative, the candidate shall have five working days from the date of the  
21 issuance of the notice to cure the delinquency.

1           (3) Beginning six working days from the date of notice, the delinquent  
2           candidate for State office, State Senator, or State Representative shall pay a  
3           \$10.00 penalty for each day thereafter that the disclosure remains delinquent;  
4           provided, however, that in no event shall the amount of any penalty imposed  
5           under this subdivision exceed \$1,000.00.

6           (4) The State Ethics Commission may reduce or waive any penalty  
7           imposed under this section if the candidate for State office, State Senator, or  
8           State Representative demonstrates good cause, as determined by the State  
9           Ethics Commission and in the sole discretion of the State Ethics Commission.

10          (b) The Commission shall send a notice of delinquency to the e-mail  
11          address provided by the candidate for State office, State Senator, or State  
12          Representative in their consent of candidate form.

13          (c) The State Ethics Commission may avail itself of remedies available  
14          under the Vermont Setoff Debt Collection Act, as set forth in 32 V.S.A.  
15          chapter 151, subchapter 12, to collect any unpaid penalty.

16          (d) Any candidate for State office, State Senator, or State Representative  
17          who fails to file a disclosure required under this subchapter with intent to  
18          defraud, falsify, conceal, or cover up a material fact, or who files a disclosure  
19          with false, incomplete, or misleading information with intent to defraud,  
20          falsify, conceal, or cover up a material fact, shall be in violation of 13 V.S.A.

1     § 3016. In interpreting this statute, any information required to be disclosed in  
2     a disclosure shall be deemed a material fact.

3         (e) Complaints regarding any candidate for State office, State Senator, or  
4     State Representative who fails to file a disclosure required under this  
5     subchapter with intent to defraud, falsify, conceal, or cover up a material fact,  
6     or who files a disclosure with false, incomplete, or misleading information  
7     with intent to defraud, falsify, conceal, or cover up a material fact, may be filed  
8     with the Office of the Attorney General, or with the State Ethics Commission  
9     and referred to the Office of the Attorney General, for investigation.

10         (f) The Attorney General’s office shall notify the State Ethics Commission  
11     within 10 days after receipt after a complaint under this subchapter and, within  
12     90 days after receipt of a complaint, shall file a report with the Executive  
13     Director of the State Ethics Commission with the results of any investigation  
14     undertaken under this subchapter or, if the Attorney General’s office declines  
15     to initiate an investigation, a summary of the reasons why an investigation was  
16     not initiated.

17  
18  
19  
20     (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

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Senator \_\_\_\_\_

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FOR THE COMMITTEE