

1 H.319

2 Introduced by Representatives Wright of Burlington, Buxton of Tunbridge,
3 Komline of Dorset, McCarthy of St. Albans City, and Savage of
4 Swanton

5 Referred to Committee on

6 Date:

7 Subject: Elections; campaign finance; reports; independent expenditure-only
8 political committees

9 Statement of purpose of bill as introduced: This bill proposes to increase the
10 frequency of campaign finance reporting for statewide and legislative
11 candidates, political committees, and parties; permit campaign finance reports
12 to be filed electronically; require additional reporting for independent
13 expenditure-only political committees; require additional disclaimer
14 information in electioneering communications made on behalf of political
15 committees and parties based on contributions by top contributors; and enlarge
16 the period in which mass media reports must be filed.

17 An act relating to campaign finance reporting and disclaimers

18 It is hereby enacted by the General Assembly of the State of Vermont:

1 Sec. 1. 17 V.S.A. § 2801 is amended to read:

2 § 2801. DEFINITIONS

3 As used in this chapter:

4 * * *

5 (4) “Political committee” or “political action committee” means any
6 formal or informal committee of two or more individuals, or a corporation,
7 labor organization, public interest group, or other entity, not including a
8 political party, which receives contributions of more than \$500.00 and makes
9 expenditures of more than \$500.00 in any one calendar year for the purpose of
10 supporting or opposing one or more candidates, influencing an election, or
11 advocating a position on a public question in any election or affecting the
12 outcome of an election, and includes an independent expenditure-only political
13 committee.

14 * * *

15 (12) “Independent expenditure-only political committee” means a
16 political committee that conducts its activities entirely independent of
17 candidates or political parties; does not give contributions to candidates,
18 political committees, or political parties; does not make related expenditures;
19 and is not closely related to a political committee that makes contributions to
20 candidates or makes related expenditures.

1 Sec. 2. 17 V.S.A. § 2803 is amended to read:

2 § 2803. CAMPAIGN REPORTS; FORMS; FILING

3 * * *

4 (g) The Secretary of State shall permit any person required to file a report
5 under this chapter to file that report electronically.

6 Sec. 3. 17 V.S.A. § 2811 is amended to read:

7 (a) Each candidate for state office, each candidate for the ~~general assembly~~
8 General Assembly who has made expenditures or received contributions of
9 \$500.00 or more, and each political committee and each political party
10 required to register under section 2831 of this title shall file with the ~~secretary~~
11 Secretary of State campaign finance reports ~~on July 15th and on the~~
12 15th of each month thereafter until and including December 15th as follows:

13 (1) in odd-numbered years, quarterly, beginning on January 15th;

14 (2) in even-numbered years, monthly, beginning on January 15th until
15 the primary election;

16 (3) from the primary election through the general election, every two
17 weeks; and

18 (4) two weeks after the general election.

19 (b) At any time, but not later than December 15th following the general
20 election, a candidate for state office and each candidate for the ~~general~~
21 ~~assembly~~ General Assembly who has made expenditures or received

1 contributions of \$500.00 or more shall file with the ~~secretary of state~~ Secretary
2 of State a “final report” which lists a complete accounting of all contributions
3 and expenditures, and disposition of surplus, and which shall constitute the
4 termination of his or her campaign activities.

5 (c) A political committee or political party shall file a campaign finance
6 report not later than 40 days following the general election. At any time, a
7 political committee or a political party may file a “final report” which lists a
8 complete accounting of all contributions and expenditures and which shall
9 constitute the termination of its campaign activities.

10 (d) ~~In odd-numbered years campaign finance reports shall be filed on July~~
11 ~~15.~~ [Repealed.]

12 (e) Each candidate for the ~~general assembly~~ General Assembly required to
13 file campaign finance reports under this section shall also file such reports with
14 the clerk of the candidate’s respective senate or house district.

15 (f) In addition to any other reports required to be filed under this chapter, ~~a~~;

16 (1) A candidate for state office or for the ~~general assembly~~ General
17 Assembly who receives a monetary contribution in an amount over \$2,000.00
18 within 10 days of a primary or general election shall report the contribution to
19 the ~~secretary of state~~ Secretary of State within 24 hours of receiving the
20 contribution. ~~The report shall include all information that is required to be~~
21 ~~disclosed under the provisions of subsections 2803(a) and (b) of this title.~~

1 (2) An independent expenditure-only political committee that receives a
2 monetary contribution within 45 days of a primary or general election shall
3 report the contribution to the Secretary of State within 24 hours of receiving
4 the contribution.

5 (3) The reports required by this subsection shall include all of the
6 information that is required to be disclosed under the provisions of subsections
7 2803(a) and (b) of this chapter.

8 (g) Each candidate for state office and each candidate for the ~~general~~
9 ~~assembly~~ General Assembly who has made expenditures or received
10 contributions of ~~\$500.00 or less~~ than \$500.00 shall file with the ~~secretary of~~
11 ~~state~~ Secretary of State, 10 days following the general election, a statement that
12 the candidate has not made expenditures or received contributions of ~~more than~~
13 \$500.00 or more during the two-year general election cycle.

14 Sec. 4. 17 V.S.A. chapter 59, subchapter 8 is amended to read:

15 Subchapter 8. Electioneering Communications

16 § 2891. ~~DEFINITIONS~~ DEFINITION

17 As used in this chapter, “electioneering communication” means any
18 communication that refers to a clearly identified candidate for office and that
19 promotes or supports a candidate for that office or attacks or opposes a
20 candidate for that office, regardless of whether the communication expressly
21 advocates a vote for or against a candidate, including communications

1 published in any newspaper or periodical or broadcast on radio or television or
2 over the Internet or any public address system; placed on any billboards,
3 outdoor facilities, buttons, or printed material attached to motor vehicles,
4 window displays, posters, cards, pamphlets, leaflets, flyers, or other circulars;
5 or contained in any direct mailing, robotic phone calls, or mass e-mails ~~that~~
6 ~~refers to a clearly identified candidate for office and that promotes or supports~~
7 ~~a candidate for that office, or attacks or opposes a candidate for that office,~~
8 ~~regardless of whether the communication expressly advocates a vote for or~~
9 ~~against a candidate.~~

10 § 2892. ~~IDENTIFICATION~~ DISCLAIMER REQUIREMENTS IN
11 ELECTIONEERING COMMUNICATIONS

12 (a) ~~All~~ An electioneering ~~communications~~ communication shall contain the
13 name and address of the person, political committee, or campaign who or
14 which paid for the communication. The communication shall clearly designate
15 the name of the candidate, political party, or political committee by or on
16 whose behalf the same is published or broadcast.

17 (b)(1) In addition to the disclaimer requirements in subsection (a) of this
18 section:

19 (A) An electioneering communication paid for on behalf of a political
20 party or political committee shall contain the name of the top contributor to
21 that political party or political committee, if that contributor contributed more

1 than one-half of all contributions to the party or committee in the six months
2 prior to the expenditure for the electioneering communication or the
3 electioneering communication being made public, whichever occurs first; or

4 (B) An electioneering communication paid for on behalf of a political
5 committee shall contain the names of the top three contributors to that political
6 committee, if those contributors contributed in aggregate more than one-half of
7 all contributions to the committee in the six months prior to the expenditure for
8 the electioneering communication or the electioneering communication being
9 made public, whichever occurs first, and each of those contributors contributed
10 more than \$2,000.00.

11 (2) If the provisions of subdivision (1)(A) and (B) of this subsection
12 both apply to a political committee, the committee shall be required to comply
13 with subdivision (1)(B).

14 (3) For the purposes of this subsection, a person shall be treated as
15 having made an expenditure for an electioneering communication if the person
16 has executed a contract to make the expenditure.

17 (c) The ~~identification~~ disclaimer requirements of this section shall not
18 apply to lapel stickers or buttons, nor shall they apply to electioneering
19 communications made by a single individual acting alone who spends, in a
20 single two-year general election cycle, a cumulative amount of no more than
21 \$150.00 on those electioneering communications.

1 § 2893. ~~NOTICE OF EXPENDITURE~~ REPORT OF MASS MEDIA
2 ACTIVITIES

3 (a) ~~For purposes of~~ As used in this section, “mass media activities”
4 includes television commercials, radio commercials, mass mailings, mass
5 electronic or digital communications, literature drops, newspaper and
6 periodical advertisements, robotic phone calls, and telephone banks which
7 include the name or likeness of a clearly identified candidate for office.

8 (b) In addition to any other reports required to be filed under this chapter, a
9 person who makes expenditures for any one mass media activity totaling
10 \$500.00 or more within ~~30~~ 45 days of a primary or general election shall, for
11 each activity, file a mass media report with the ~~secretary of state~~ Secretary of
12 State and send a copy of the mass media report to each candidate whose name
13 or likeness is included in the activity within 24 hours of the expenditure or
14 activity, whichever occurs first. For the purposes of this section, a person shall
15 be treated as having made an expenditure if the person has executed a contract
16 to make the expenditure. The report shall identify the person who made the
17 expenditure with the name of the candidate involved in the activity and any
18 other information relating to the expenditure that is required to be disclosed
19 under the provisions of subsections 2803(a) and (b) of this title.

20 Sec. 5. EFFECTIVE DATE

21 This act shall take effect on passage.