

1 S.17

2 Introduced by Senator Ashe

3 Referred to Committee on

4 Date:

5 Subject: Elections; campaign finance; reports; Secretary of State; searchable
6 database; penalties

7 Statement of purpose: This bill proposes to:

8 (1) allow campaign finance reports to be submitted electronically;

9 (2) require that campaign finance reports be maintained by the Secretary of
10 State in an online searchable database;

11 (3) eliminate the requirement that campaign finance reports be submitted to
12 any entity other than the Secretary of State; and

13 (4) provide for a monetary civil penalty for the untimely filing of any
14 campaign finance report.

15 An act relating to filing campaign finance reports

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

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

18 § 2803. CAMPAIGN REPORTS; FORMS; FILING

19 * * *

1 (d) All reports filed under this section shall be retained in an indexed file
2 by the ~~official with whom the report is filed~~ Secretary of State and shall be
3 subject to the examination of any person.

4 * * *

5 (f) The ~~secretary~~ Secretary of State may require that the ~~form set forth in~~
6 ~~this section and mass media~~ reports required under ~~section 2893 of this title~~
7 this chapter be filed in a digital format.

8 Sec. 2. 17 V.S.A. § 2803a is added to read:

9 § 2803a. SUBMISSION OF REPORTS TO THE SECRETARY OF STATE

10 (a) Any report required to be submitted to the Secretary of State under this
11 chapter shall be filed in a format that allows direct machine-readable electronic
12 access to the individual data elements in each report.

13 (b) The Secretary of State shall permit any person required to file a report
14 under this chapter to file that report electronically.

15 Sec. 3. 17 V.S.A. § 2806 is amended to read:

16 § 2806. PENALTIES

17 (a)(1) A person who fails to file a report required under this chapter shall
18 be fined a civil penalty of \$50.00 for each day after the reporting deadline that
19 the person fails to file the report. The Attorney General shall enforce the
20 provisions of this subdivision and any funds collected pursuant to this

1 subdivision shall be deposited into the State's rainy day reserve set forth in
2 32 V.S.A. § 308c.

3 (2) A person who knowingly and intentionally violates a provision of
4 subchapters 2 through 4 of this chapter shall be fined not more than \$1,000.00
5 or imprisoned not more than six months, or both.

6 (b) A person who violates any provision of this chapter shall be subject to a
7 civil penalty of up to \$10,000.00 for each violation and shall refund the
8 unspent balance of Vermont campaign finance grants received, if any,
9 calculated as of the date of the violation.

10 (c) In addition to the other penalties ~~herein~~ provided under this section, a
11 state's attorney or the ~~attorney general~~ Attorney General may institute any
12 appropriate action, injunction, or other proceeding to prevent, restrain, correct,
13 or abate any violation of this chapter.

14 Sec. 4. 17 V.S.A. § 2810 is amended to read:

15 § 2810. CANDIDATE INFORMATION PUBLICATION; ON-LINE
16 DATABASE

17 (a)(1) For each two-year general election cycle, the ~~secretary of state~~
18 Secretary of State shall develop and ~~continuously~~ continually update a publicly
19 accessible campaign database. The database shall contain at least the
20 following information for all candidates for statewide ~~and~~ county, and local
21 office and for the ~~general assembly~~ General Assembly:

1 political committee or a political party may file a “final report” which lists a
2 complete accounting of all contributions and expenditures and which shall
3 constitute the termination of its campaign activities.

4 (d) In odd-numbered years campaign finance reports shall be filed on
5 July 15.

6 (e) ~~Each candidate for the general assembly required to file campaign~~
7 ~~finance reports under this section shall also file such reports with the clerk of~~
8 ~~the candidate’s respective senate or house district. [Repealed.]~~

9 (f) In addition to any other reports required to be filed under this chapter, a
10 candidate for state office or for the ~~general assembly~~ General Assembly who
11 receives a monetary contribution in an amount over \$2,000.00 within 10 days
12 of a primary or general election shall report the contribution to the ~~secretary of~~
13 ~~state~~ Secretary of State within 24 hours of receiving the contribution. The
14 report shall include all information that is required to be disclosed under the
15 provisions of subsections 2803(a) and (b) of this title.

16 (g) Each candidate for state office and each candidate for the ~~general~~
17 ~~assembly~~ General Assembly who has made expenditures or received
18 contributions of ~~\$500.00 or less~~ than \$500.00 shall file with the ~~secretary of~~
19 ~~state~~, Secretary of State 10 days following the general election; a statement that
20 the candidate has not made expenditures or received contributions of ~~more than~~
21 \$500.00 or more during the two-year general election cycle.

1 Sec. 6. 17 V.S.A. chapter 59, subchapter 3 is amended to read:

2 Subchapter 3. County and Local Candidates; ~~General Assembly~~

3 § 2821. CAMPAIGN REPORTS; COUNTY OFFICE CANDIDATES

4 (a) Each candidate for county office who has made expenditures or
5 accepted contributions of \$500.00 or more shall file campaign finance reports
6 with the ~~officer with whom his or her nomination papers are filed~~ Secretary of
7 State as follows:

8 (1) ~~40~~ Ten days before the primary election;

9 (2) ~~40~~ Ten days before the general election;

10 (3) ~~further~~ Further campaign reports shall be filed on the 15th day of
11 July and annually thereafter or until all contributions and expenditures have
12 been accounted for and any indebtedness and surplus have been eliminated.

13 (b) Within 40 days after the general election, each candidate for county
14 office who has made expenditures or accepted contributions of \$500.00 or
15 more shall file with the Secretary of State a “final report” which lists a
16 complete accounting of all contributions and expenditures, and disposition of
17 surplus, and which shall constitute the termination of his or her campaign
18 activities.

19 (c) ~~Copies of reports filed under this section shall be forwarded by the~~
20 ~~officer to the secretary of state within five days of receipt.~~ [Repealed.]

1 § 2822. CAMPAIGN REPORTS; LOCAL CANDIDATES

2 Each candidate for local office who has made expenditures or accepted
3 contributions of \$500.00 or more shall file with the ~~officer with whom his or~~
4 ~~her nomination papers are filed~~ Secretary of State campaign finance reports 10
5 days before and 10 days after the local election.

6 § 2823. NONFILING

7 The failure of a ~~legislative~~, county or local candidate to file a campaign
8 finance report shall be deemed an affirmative statement that the candidate has
9 not accepted contributions or made expenditures of \$500.00 or more.

10 Sec. 7. 17 V.S.A. chapter 59, subchapter 4 is amended to read:

11 Subchapter 4. Political Committees; Political Parties

12 § 2831. CAMPAIGN REPORTS; POLITICAL COMMITTEES AND
13 PARTIES

14 (a) Each political committee and each political party which has accepted
15 contributions or made expenditures of \$500.00 or more shall register with the
16 ~~secretary of state~~ Secretary of State stating its full name and address, the name
17 of its treasurer, and the name of the bank in which it maintains its campaign
18 checking account within 10 days of reaching the \$500.00 threshold.

19 (b) A political committee or political party which has accepted
20 contributions or made expenditures of \$500.00; or more; for the purpose of
21 influencing a local election or supporting or opposing one or more candidates

1 in a local election shall file campaign finance reports 10 days before and 10
2 days after the local election with the ~~clerk of the municipality in which the~~
3 ~~election is held and with the secretary of state~~ Secretary of State.

4 (c) Any formal or informal committee of two or more individuals, or a
5 corporation, labor organization, public interest group, or other entity, not
6 including a political party, which makes expenditures of more than \$500.00 in
7 any one calendar year for the purpose of advocating a position on a public
8 question in any election or affecting the outcome of an election on a public
9 question shall file a report of its expenditures 10 days before and 10 days after
10 the election with the ~~clerk of the municipality in which the election is held and~~
11 ~~with the secretary of state~~ Secretary of State.

12 * * *

13 Sec. 8. EFFECTIVE DATE

14 This act shall take effect on July 1, 2013.