

1 S.44

2 Introduced by Senators Bray, Ayer, and Campion

3 Referred to Committee on Government Operations

4 Date: January 24, 2017

5 Subject: Elections; campaign finance; contributions; accountability for related  
6 expenditures; shared candidate expenditures

7 Statement of purpose of bill as introduced: This bill proposes to exempt a  
8 candidate's expenditures that he or she shares with another candidate from  
9 being considered a related expenditure, and therefore a contribution to that  
10 other candidate.

11 ~~An act relating to shared candidate campaign expenditures~~

*An act relating to equally shared candidate campaign expenditures.*

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

13 ~~Sec. 1. 17 V.S.A. § 2944 is amended to read:~~

14 § 2944. ACCOUNTABILITY FOR RELATED EXPENDITURES

15 (a) A related campaign expenditure made on a candidate's behalf shall be  
16 considered a contribution to the candidate on whose behalf it was made.

17 (b) As used in this section, a "related campaign expenditure made on the  
18 candidate's behalf" means any expenditure intended to promote the election of  
19 a specific candidate or group of candidates or the defeat of an opposing

20 ~~candidate or group of candidates if intentionally facilitated by, solicited by, or~~

1 ~~approved by the candidate or the candidate's committee.~~

2       ~~(c)(1) An expenditure made by a political party or by a political committee~~  
3 ~~that recruits or endorses candidates that primarily benefits six or fewer~~  
4 ~~candidates who are associated with the political party or political committee~~  
5 ~~making the expenditure is presumed to be a related expenditure made on~~  
6 ~~behalf of those candidates, except that the acquisition, use, or dissemination of~~  
7 ~~the images of those candidates by the political party or political committee~~  
8 ~~shall not be presumed to be a related expenditure made on behalf of those~~  
9 ~~candidates.~~

10       ~~(2) An expenditure made by a political party or by a political committee~~  
11 ~~that recruits or endorses candidates that substantially benefits more than six~~  
12 ~~candidates and facilitates party or political committee functions, voter turnout,~~  
13 ~~platform promotion, or organizational capacity shall not be presumed to be a~~  
14 ~~related expenditure made on a candidate's behalf.~~

15       ~~(d)(4) As used in this section, an expenditure by a person shall not be~~  
16 ~~considered a "related expenditure made on the candidate's behalf" if all:~~

17       ~~(1)(A) All of the following apply:~~

18       ~~(A)(i) the expenditure was made in connection with a campaign~~  
19 ~~event whose purpose was to provide a group of voters with the opportunity to~~  
20 ~~meet a candidate;~~

21 ~~(B)(ii) the expenditure was made for.~~

1 ~~(i)(I) invitations and any postage for those invitations to invite~~  
2 voters to the event; or

3 ~~(ii)(II) any food or beverages consumed at the event and any~~  
4 related supplies thereof; and

5 ~~(C)(iii) the cumulative value of any expenditure by the person made~~  
6 under this subsection does not exceed \$500.00 per event.

7 ~~(2)(B) For the purposes of this subsection subdivision (1):~~

8 ~~(A)(i) if the cumulative value of any expenditure by a person made~~  
9 under this subsection exceeds \$500.00 per event, the amount equal to the  
10 difference between the two shall be considered a “related expenditure made on  
11 the candidate’s behalf”; and

12 ~~(B)(ii) any reimbursement to the person by the candidate for the~~  
13 costs of the expenditure shall be subtracted from the cumulative value of the  
14 expenditures.

15 ~~(2) The expenditure is made by a candidate, is a portion of an~~  
16 ~~expenditure shared between or among that candidate and two or more other~~  
17 ~~candidates, and is intended to promote the election of a specific candidate or~~  
18 ~~group of candidates or the defeat of an opposing candidate or group of~~  
19 ~~candidates.~~

20 (e)(1) A candidate may seek a determination that an expenditure is a  
21 related expenditure made on behalf of an opposing candidate by filing a

1 ~~petition with the Superior Court of the county in which either candidate~~  
2 ~~resides.~~

3 (2) Within 24 hours of the filing of a petition, the ~~Court~~ court shall  
4 schedule the petition for hearing. Except as to cases the ~~Court~~ court considers  
5 of greater importance, proceedings before the Superior Court, as authorized by  
6 this section, and appeals from there take precedence on the docket over all  
7 other cases and shall be assigned for hearing and trial or for argument at the  
8 earliest practicable date and expedited in every way.

9 (3) The findings and determination of the ~~Court~~ court shall be prima  
10 facie evidence in any proceedings brought for violation of this chapter.

11 (f) The Secretary of State may adopt rules necessary to administer the  
12 provisions of this section.

13 Sec. 2. EFFECTIVE DATE

14 ~~This act shall take effect on July 1, 2017.~~

*Sec. 1. 17 V.S.A. § 2944 is amended to read:*

*§ 2944. ACCOUNTABILITY FOR RELATED EXPENDITURES*

*(a) A related campaign expenditure made on a candidate's behalf shall be considered a contribution to the candidate on whose behalf it was made.*

*(b) As used in this section, a "related campaign expenditure made on the candidate's behalf" means any expenditure intended to promote the election of a specific candidate or group of candidates or the defeat of an opposing candidate or group of candidates if intentionally facilitated by, solicited by, or approved by the candidate or the candidate's committee.*

*(c)(1) An expenditure made by a political party or by a political committee that recruits or endorses candidates that primarily benefits six or fewer candidates who are associated with the political party or political committee*

*making the expenditure is presumed to be a related expenditure made on behalf of those candidates, except that the acquisition, use, or dissemination of the images of those candidates by the political party or political committee shall not be presumed to be a related expenditure made on behalf of those candidates.*

*(2) An expenditure made by a political party or by a political committee that recruits or endorses candidates that substantially benefits more than six candidates and facilitates party or political committee functions, voter turnout, platform promotion, or organizational capacity shall not be presumed to be a related expenditure made on a candidate's behalf.*

*(d)(4) As used in this section, an expenditure by a person shall not be considered a "related expenditure made on the candidate's behalf" if ~~all~~:*

*(1)(A) All of the following apply:*

*(A)(i) the expenditure was made in connection with a campaign event whose purpose was to provide a group of voters with the opportunity to meet a candidate;*

*(B)(ii) the expenditure was made for:*

*(i)(I) invitations and any postage for those invitations to invite voters to the event; or*

*(ii)(II) any food or beverages consumed at the event and any related supplies thereof; and*

*(C)(iii) the cumulative value of any expenditure by the person made under this subsection does not exceed \$500.00 per event.*

*(2)(B) For the purposes of this subsection ~~subdivision (1)~~:*

*(A)(i) if the cumulative value of any expenditure by a person made under this subsection exceeds \$500.00 per event, the amount equal to the difference between the two shall be considered a "related expenditure made on the candidate's behalf"; and*

*(B)(ii) any reimbursement to the person by the candidate for the costs of the expenditure shall be subtracted from the cumulative value of the expenditures.*

*(2) All of the following apply:*

*(A) the expenditure is for an electioneering communication that promotes or supports all of the candidates who are named or pictured in it and ~~no others, and those candidates~~ other candidates, and those candidates named or pictured:*

(i) have filed or been nominated as described in subdivision 2901(1)(B) of this chapter for a legislative, county, or local office;

(ii) are on the same ballot for the same election; and

(iii) each make an expenditure for the electioneering communication of an equal amount in order to share the cost of the electioneering communication equally; and

(B) no other person has made an expenditure for the electioneering communication.

*(e)(1) A candidate may seek a determination that an expenditure is a related expenditure made on behalf of an opposing candidate by filing a petition with the Superior Court of the county in which either candidate resides.*

*(2) Within 24 hours of the filing of a petition, the ~~Court~~ court shall schedule the petition for hearing. Except as to cases the ~~Court~~ court considers of greater importance, proceedings before the Superior Court, as authorized by this section, and appeals from there take precedence on the docket over all other cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.*

*(3) The findings and determination of the ~~Court~~ court shall be prima facie evidence in any proceedings brought for violation of this chapter.*

*(f) The Secretary of State may adopt rules necessary to administer the provisions of this section.*

*Sec. 2. [Deleted.]*

*Sec. 3. EFFECTIVE DATE*

*This act shall take effect on July 1, 2017.*