

1 S.248

2 Introduced by Senator Pearson

3 Referred to Committee on

4 Date:

5 Subject: Elections; campaign finance; public finance option; eligible

6 candidates; qualifying contributions; grants; additional contributions

7 Statement of purpose of bill as introduced: This bill proposes to amend the

8 State's public campaign finance option to allow:

9 (1) candidates for all statewide and legislative offices to qualify for
10 public finance grants;

11 (2) a person to become a publicly financed candidate at the beginning of
12 the two-year general election cycle, rather than February 15 of the general
13 election year;

14 (3) a publicly financed candidate to obtain during the primary election
15 period portions of the general election grant to match his or her opponent's
16 accepted contributions or expenditures; and

17 (4) a publicly financed candidate to solicit, accept, and expend
18 additional contributions to match his or her opponent's accepted contributions
19 or expenditures.

20 An act relating to the public financing of campaigns

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

2 Sec. 1. 17 V.S.A. chapter 61, subchapter 5 is amended to read:

3 Subchapter 5. Public Financing Option

4 § 2981. DEFINITIONS

5 As used in this subchapter:

6 (1) “Affidavit” means the Vermont campaign finance affidavit required
7 under section 2982 of this ~~chapter~~ subchapter.

8 (2) “General election period” means the period beginning the day after
9 the primary election and ending the day of the general election.

10 (3) “Primary election period” means the period beginning the day after
11 primary petitions must be filed under section 2356 of this title and ending the
12 day of the primary election.

13 (4) “Vermont campaign finance qualification period” means the period
14 beginning ~~February 15 of each even-numbered year~~ at the start of the two-year
15 general election cycle and ending on the date on which primary petitions must
16 be filed under section 2356 of this title.

17 § 2982. FILING OF VERMONT CAMPAIGN FINANCE AFFIDAVIT

18 (a) A candidate for the office of Governor ~~or~~ Lieutenant Governor,
19 Treasurer, Secretary of State, Auditor of Accounts, Attorney General, State
20 Senator, or State Representative who intends to seek Vermont campaign
21 finance grants from the Secretary of State Services Fund shall file a Vermont

1 campaign finance affidavit on the date on or before which primary petitions
2 must be filed, whether the candidate seeks to enter a party primary or is an
3 independent candidate.

4 (b) The Secretary of State shall prepare a Vermont campaign finance
5 affidavit form, informational materials on procedures and financial
6 requirements, and notification of the penalties for violation of this subchapter.

7 (c)(1) The Vermont campaign finance affidavit shall set forth the
8 conditions of receiving grants under this subchapter and provide space for the
9 candidate to agree that he or she will abide by such conditions and all
10 expenditure and contribution limitations, reporting requirements, and other
11 provisions of this chapter.

12 (2) The affidavit shall also state the candidate's name, legal residence,
13 business or occupation, address of business or occupation, party affiliation, if
14 any, the office sought, and whether the candidate intends to enter a party
15 primary.

16 (3) The affidavit shall also contain a list of all the candidate's qualifying
17 contributions together with the name and town of residence of the contributor
18 and the date each contribution was made.

1 (4) The affidavit may further require affirmation of such other
2 information as deemed necessary by the Secretary of State for the
3 administration of this subchapter.

4 (5) The affidavit shall be sworn and subscribed to by the candidate.

5 § 2983. VERMONT CAMPAIGN FINANCE GRANTS; CONDITIONS

6 (a) A person shall not be eligible for Vermont campaign finance grants if;

7 (1) ~~prior to February 15 of the general election year during any two-year~~
8 ~~general election cycle~~ the Vermont campaign finance qualification period, he
9 or she becomes a candidate ~~by announcing that he or she seeks an elected~~
10 ~~position as Governor or Lieutenant Governor or~~ for one of the offices set forth
11 in subsection 2982(a) of this subchapter by accepting contributions totaling
12 \$2,000.00 or more or by making expenditures totaling \$2,000.00 or more; or

13 (2) except for the contributions permitted under subdivision (1) of this
14 subsection, prior to accepting any Vermont campaign finance grant, he or she
15 solicits or accepts any contributions, other than qualifying contributions.

16 (b) A candidate who accepts Vermont campaign finance grants shall:

17 (1) not solicit, accept, or expend any contributions except qualifying
18 contributions, Vermont campaign finance grants, and contributions authorized
19 under ~~section~~ sections 2985 and 2985a of this ~~chapter~~ subchapter, which
20 contributions may be solicited, accepted, or expended only in accordance with
21 the provisions of this subchapter;

1 (2) deposit all qualifying contributions, Vermont campaign finance
2 grants, and any contributions accepted in accordance with the provisions of
3 section 2985 or 2985a of this ~~chapter~~ subchapter in a federally insured
4 noninterest-bearing checking account; and

5 (3) not later than 40 days after the general election, deposit in the
6 Secretary of State Services Fund, after all permissible expenditures have been
7 paid, the balance of any amounts remaining in the account established under
8 subdivision (2) of this subsection.

9 § 2984. QUALIFYING CONTRIBUTIONS

10 (a) In order to qualify for Vermont campaign finance grants, a candidate for
11 ~~the office of Governor or Lieutenant Governor~~ following offices shall obtain
12 during the Vermont campaign finance qualification period the following
13 amount and number of qualifying contributions for the office being sought:

14 (1) ~~for~~ For Governor, a total amount of ~~no~~ not less than \$35,000.00
15 collected from ~~no~~ not fewer than 1,500 qualified individual contributors
16 making a contribution of ~~no~~ not more than \$50.00 each; ~~or.~~

17 (2) ~~for~~ For Lieutenant Governor, Treasurer, Secretary of State, Auditor
18 of Accounts, or Attorney General, a total amount of ~~no~~ not less than
19 \$17,500.00 collected from ~~no~~ not fewer than 750 qualified individual
20 contributors making a contribution of ~~no~~ not more than \$50.00 each.

1 (3) For State Senator:

2 (A) for a one-member senatorial district, a total amount of not less
3 than \$1,000.00 collected from not fewer than 50 qualified individual
4 contributors within the district making a contribution of not more than \$50.00
5 each;

6 (B) for a two-member senatorial district, a total amount of not less
7 than \$2,000.00 collected from not fewer than 100 qualified individual
8 contributors within the district making a contribution of not more than
9 \$50.00 each;

10 (C) for a three-member senatorial district, a total amount of not less
11 than \$3,000.00 collected from not fewer than 150 qualified individual
12 contributors within the district making a contribution of not more than
13 \$50.00 each; or

14 (D) for a six-member senatorial district, a total amount of not less
15 than \$6,000.00 collected from not fewer than 300 qualified individual
16 contributors within the district making a contribution of not more than
17 \$50.00 each.

18 (4) For State Representative:

19 (A) for a one-member representative district, a total amount of not
20 less than \$500.00 collected from not fewer than 25 qualified individual

1 contributors within the district making a contribution of not more than
2 \$50.00 each; or

3 (B) for a two-member representative district, a total amount of not
4 less than \$1,000.00 collected from not fewer than 50 qualified individual
5 contributors within the district making a contribution of not more than
6 \$50.00 each.

7 (b)(1)(A) A candidate shall not accept more than one qualifying
8 contribution from the same contributor and a contributor shall not make more
9 than one qualifying contribution to the same candidate in any Vermont
10 campaign finance qualification period. ~~For the purpose of~~

11 (B) As used in this section, a qualified individual contributor means
12 an individual who is registered to vote in Vermont. ~~No~~

13 (2) For the statewide candidates set forth in subdivisions (a)(1) and (2)
14 of this section, not more than 25 percent of the total number of qualified
15 individual contributors may be residents of the same county.

16 (c) Each qualifying contribution shall indicate the name and town of
17 residence of the contributor and the date accepted and shall be acknowledged
18 by the signature of the contributor.

19 (d) A candidate may retain and expend qualifying contributions obtained
20 under this section. A candidate may expend the qualifying contributions for
21 the purpose of obtaining additional qualifying contributions and may expend

1 the remaining qualifying contributions during the primary and general election
2 periods. Amounts expended under this subsection shall be considered
3 expenditures for purposes of this chapter.

4 § 2985. VERMONT CAMPAIGN FINANCE GRANTS; AMOUNTS;
5 TIMING

6 (a)(1) The Secretary of State shall make grants from the Secretary of State
7 Services Fund in separate grants for the primary and general election periods to
8 candidates who have qualified for Vermont campaign finance grants under this
9 subchapter.

10 (2)(A) To cover any campaign finance grants to candidates who have
11 qualified under this subchapter, the Secretary of State shall report to the
12 Commissioner of Finance and Management, who shall anticipate receipts to
13 the Services Fund and issue warrants to pay for those grants.

14 (B) The Commissioner shall report any such anticipated receipts and
15 warrants issued under this subdivision to the Joint Fiscal Committee on or
16 before December 1 of the year in which the warrants were issued.

17 (b)(1) ~~Whether~~ Except as provided in subdivision (2) of this subsection and
18 subsection (c) of this section, whether a candidate has entered a primary or is
19 an independent candidate, Vermont campaign finance grants shall be in the
20 following amounts:

1 ~~(1)~~(A) For Governor, \$150,000.00 in a primary election period and
2 \$450,000.00 in a general election period, provided that the grant for a primary
3 election period shall be reduced by an amount equal to the candidate's
4 qualifying contributions.

5 ~~(2)~~(B) For Lieutenant Governor, Treasurer, Secretary of State, Auditor
6 of Accounts, or Attorney General, \$50,000.00 in a primary election period and
7 \$150,000.00 in a general election period, provided that the grant for a primary
8 election period shall be reduced by an amount equal to the candidate's
9 qualifying contributions;.

10 (C) For State Senator:

11 (i) for a one-member senatorial district, \$1,500.00 in a primary
12 election period and \$4,500.00 in a general election period, provided that the
13 grant for a primary election period shall be reduced by an amount equal to the
14 candidate's qualifying contributions;

15 (ii) for a two-member senatorial district, \$3,000.00 in a primary
16 election period and \$9,000.00 in a general election period, provided that the
17 grant for a primary election period shall be reduced by an amount equal to the
18 candidate's qualifying contributions;

19 (iii) for a three-member senatorial district, \$4,500.00 in a primary
20 election period and \$13,500.00 in a general election period, provided that the

1 grant for a primary election period shall be reduced by an amount equal to the
2 candidate's qualifying contributions; or

3 (iv) for a six-member senatorial district, \$9,000.00 in a primary
4 election period and \$27,000.00 in a general election period, provided that the
5 grant for a primary election period shall be reduced by an amount equal to the
6 candidate's qualifying contributions.

7 (D) For State Representative:

8 (i) for a one-member representative district, \$750.00 in a primary
9 election period and \$2,250.00 in a general election period, provided that the
10 grant for a primary election period shall be reduced by an amount equal to the
11 candidate's qualifying contributions; or

12 (ii) for a two-member representative district, \$1,500.00 in a
13 primary election period and \$4,500.00 in a general election period, provided
14 that the grant for a primary election period shall be reduced by an amount
15 equal to the candidate's qualifying contributions.

16 ~~(3)~~(2) A candidate who is an incumbent of the office being sought shall
17 be entitled to receive a grant in an amount equal to 85 percent of the amount
18 listed in subdivision (1) ~~or (2)~~ of this subsection.

19 (c) In an uncontested general election and in the case of a candidate who
20 enters a primary election and is unsuccessful in that election, an otherwise
21 eligible candidate shall not be eligible for a general election period grant.

1 However, such candidate may solicit and accept contributions and make
2 expenditures as follows: contributions shall be subject to the limitations set
3 forth in subchapter 3 of this chapter, and expenditures shall be limited to an
4 amount equal to the amount of the grant set forth in subsection (b) of this
5 section for the general election for that office.

6 (d) Grants awarded in a primary election period but not expended by the
7 candidate in the primary election period may be expended by the candidate in
8 the general election period.

9 (e)(1) Vermont campaign finance grants for a primary election period shall
10 be paid to qualifying candidates within the first 10 business days of the
11 primary election period.

12 (2) Vermont campaign finance grants for a general election period shall
13 be paid to qualifying candidates during the first 10 business days of the general
14 election period.

15 § 2985a. PUBLICLY FINANCED CANDIDATES; PERMITTED

16 ADVANCED GRANT AND ADDITIONAL CONTRIBUTIONS

17 (a) Primary election period; advanced general election grant.

18 (1)(A) Notwithstanding the timing of grants set forth in subsection
19 2985(e) of this subchapter, a candidate who has received a campaign finance
20 grant in a primary election period (publicly financed primary candidate) may
21 obtain and expend during the primary election period up to one-half the total

1 combined amount of his or her primary election period and general election
2 period grants if his or her opponent in the primary did not receive grants under
3 this subchapter and accepted contributions or made expenditures in an amount
4 that exceeds the amount of the candidate's qualifying contributions and
5 primary election period grant.

6 (B) The amount of the general election period grant such a publicly
7 financed primary candidate is permitted to obtain shall be not more than the
8 larger amount of either his or her opponent's accepted contributions or
9 expenditures that exceeds the amount of the candidate's qualifying
10 contributions and primary election period grant, based on the reports his or her
11 opponent is required to file under section 2964 of this chapter.

12 (C) The permitted general election period grant amount shall be
13 distributed to the publicly financed primary candidate within three business
14 days of the candidate's written request for such amount.

15 (D) A publicly financed primary candidate who obtains general
16 election period grants under this subdivision (1) shall be limited to the
17 remaining balance of the general election grant amount during the general
18 election period.

19 (2) If, after the publicly financed primary candidate obtains the
20 maximum amount of the general election period grant permitted under
21 subdivision (1) of this subsection, his or her opponent's reports under

1 section 2964 of this chapter demonstrate that either the opponent's accepted
2 contributions or expenditures exceed that maximum amount, the publicly
3 financed primary candidate may solicit, accept, and expend additional
4 contributions during the primary election period in accordance with
5 subsection (b) of this section.

6 (b) Additional contributions.

7 (1) A publicly financed primary candidate described in
8 subdivision (a)(2) of this section or a candidate who has received a campaign
9 finance grant in a general election period under this subchapter may solicit and
10 accept contributions subject to the limitations set forth in subchapter 3 of this
11 chapter and may expend those contributions, in addition to his or her
12 qualifying contributions and grant, if his or her opponent in the election did not
13 receive grants under this subchapter and accepted contributions or made
14 expenditures for the election in an amount that exceeds the amount of the
15 candidate's qualifying contributions and grant.

16 (2) The amount of the additional contributions a candidate is permitted
17 to solicit, accept, and expend under this subsection shall be not more than the
18 larger amount of either his or her opponent's accepted contributions or
19 expenditures that exceeds the amount of the candidate's qualifying
20 contributions and grant, based on the reports his or her opponent is required to
21 file under section 2964 of this chapter.

1 § 2986. MONETARY AMOUNTS ADJUSTED FOR INFLATION

2 The monetary amounts contained in sections 2983-2985 of this subchapter
3 shall be adjusted for inflation pursuant to the Consumer Price Index as
4 provided in section 2905 of this chapter.

5 Sec. 2. EFFECTIVE DATE

6 This act shall take effect on December 1, 2018.