

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred Senate
3 Bill No. 44 entitled “An act relating to shared candidate campaign
4 expenditures” respectfully reports that it has considered the same and
5 recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

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

8 § 2944. ACCOUNTABILITY FOR RELATED EXPENDITURES

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

11 (b) As used in this section, a “related campaign expenditure made on the
12 candidate’s behalf” means any expenditure intended to promote the election of
13 a specific candidate or group of candidates or the defeat of an opposing
14 candidate or group of candidates if intentionally facilitated by, solicited by, or
15 approved by the candidate or the candidate’s committee.

16 (c)(1) An expenditure made by a political party or by a political committee
17 that recruits or endorses candidates that primarily benefits six or fewer
18 candidates who are associated with the political party or political committee
19 making the expenditure is presumed to be a related expenditure made on behalf
20 of those candidates, except that the acquisition, use, or dissemination of the
21 images of those candidates by the political party or political committee shall

1 not be presumed to be a related expenditure made on behalf of those
2 candidates.

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

8 ~~(d)(1)~~ As used in this section, an expenditure by a person shall not be
9 considered a "related expenditure made on the candidate's behalf" if ~~all~~:

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

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

14 ~~(B)(ii)~~ the expenditure was made for:

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

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

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

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

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

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

9 (2) All of the following apply:

10 (A) the expenditure is for an electioneering communication that
11 promotes or supports only the candidates who are named or pictured in it, and
12 those candidates:

13 (i) each make an expenditure for the electioneering
14 communication of an equal amount in order to share the cost of the
15 electioneering communication equally;

16 (ii) make their expenditures for the electioneering communication
17 from their campaign accounts;

18 (iii) have filed or been nominated as described in subdivision
19 2901(1)(B) of this chapter; and

20 (iv) are on the same ballot for the same election; and

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

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

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

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

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

16 Sec. 2. EFFECTIVE DATE

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

18 (Committee vote: _____)

19 _____

20 Senator _____

21 FOR THE COMMITTEE