

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 all of the candidates who are named or pictured in it and
12 no others, and those candidates:

13 (i) have filed or been nominated as described in subdivision
14 2901(1)(B) of this chapter for a legislative, county, or local office;

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

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

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

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

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

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

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

14 Sec. 2. 17 V.S.A. § 2971 is amended to read:

15 § 2971. REPORT OF MASS MEDIA ACTIVITIES

16 (a)(1) In addition to any other reports required to be filed under this
17 chapter, a person who makes expenditures for any one mass media activity
18 totaling \$500.00 or more, adjusted for inflation pursuant to the Consumer Price
19 Index as provided in section 2905 of this chapter, within the timeframe of
20 45 days before a primary, through the date of a general, county, election or
21 within the timeframe of 45 days before a local election through the date of that

1 local election shall, for each activity, file a mass media report with the
2 Secretary of State and send a copy of the report to each candidate whose name
3 or likeness is included in the activity without that candidate's knowledge.

4 (2) The copy of the mass media report shall be sent by e-mail to each
5 such candidate who has provided the Secretary of State with an e-mail address
6 on his or her consent form and to any other such candidate by mail.

7 (3) The mass media report shall be filed and the copy of the report shall
8 be sent within 24 hours of the expenditure or activity, whichever occurs first.
9 For the purposes of this section, a person shall be treated as having made an
10 expenditure if the person has executed a contract to make the expenditure.

11 ~~(b)~~(4) The report shall identify the person who made the expenditure; the
12 name of each candidate whose name or likeness was included in the activity;
13 the amount and date of the expenditure; to whom it was paid; and the purpose
14 of the expenditure.

15 (b) [Reserved.]

16 (c) If ~~the~~ a mass media activity described in this section occurs within 45
17 ~~days before the election and the~~ timeframe described in subdivision (a)(1) or
18 (d)(1) of this section but the expenditure was ~~previously~~ reported prior to that
19 timeframe, an additional report shall be required under this section.

20 (d)(1) In addition to the reporting requirements of subsection (a) of this
21 section, an independent expenditure-only political committee that makes an

1 expenditure for any one mass media activity totaling \$5,000.00 or more,
2 adjusted for inflation pursuant to the Consumer Price Index as provided in
3 section 2905 of this chapter, within the timeframe of 45 days before a primary;
4 through the date of a general, county, election or within the timeframe of
5 45 days before a local election through the date of that local election shall, for
6 each such activity and within 24 hours of the expenditure or activity,
7 whichever occurs first, file an independent expenditure-only political
8 committee mass media report with the Secretary of State and send a copy of
9 the report to each candidate whose name or likeness is included in the activity
10 without that candidate's knowledge.

11 (2) The copy of the mass media report shall be sent by e-mail to each
12 such candidate who has provided the Secretary of State with an e-mail address
13 on his or her consent form and to any other such candidate by mail.

14 (3) The report shall include all of the information required under
15 ~~subsection (b)~~ subdivision (a)(4) of this section, as well as the names of the
16 contributors, dates, and amounts for all contributions in excess of \$100.00
17 accepted since the filing of the committee's last report.

18 Sec. 3. EFFECTIVE DATE

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

1 and that after passage the title of the bill be amended to read: “An act
2 relating to shared candidate campaign expenditures and to the report of mass
3 media activities”

4

5 (Committee vote: _____)

6

7

Senator _____

8

FOR THE COMMITTEE