

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. § 2983 is amended to read:

15 § 2983. VERMONT CAMPAIGN FINANCE GRANTS; CONDITIONS

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

17 (1) prior to February 15 of the general election year during any two-year
18 general election cycle, he or she becomes a candidate by announcing that he or
19 she seeks an elected position as Governor or Lieutenant Governor or by
20 accepting contributions totaling \$2,000.00 or more or by making expenditures
21 totaling \$2,000.00 or more; or

1 (2) from the beginning of the Vermont campaign finance qualification
2 period until the date on which he or she accepts a Vermont campaign finance
3 grant, he or she makes an expenditure for an activity, service, or good that will
4 occur or be used on or after the date on which he or she accepts that grant.

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

6 (1) not solicit, accept, or expend any contributions except qualifying
7 contributions, Vermont campaign finance grants, and contributions authorized
8 under section 2985 of this chapter, which contributions may be solicited,
9 accepted, or expended only in accordance with the provisions of this
10 subchapter;

11 (2) deposit all qualifying contributions, Vermont campaign finance
12 grants, and any contributions accepted in accordance with the provisions of
13 section 2985 of this chapter in a federally insured noninterest-bearing checking
14 account; and

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

19 Sec. 3. EFFECTIVE DATE

20 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 eligibility for
3 Vermont campaign finance grants”

4

5 (Committee vote: _____)

6

7

Senator _____

8

FOR THE COMMITTEE