

1 S.86

2 Introduced by Senators Hardy, Clarkson and Vyhovsky

3 Referred to Committee on

4 Date:

5 Subject: Elections; campaign finance; reporting requirements; disclosures;
6 failure to file; penalties

7 Statement of purpose of bill as introduced: This bill proposes to require
8 candidates for State and county offices to submit a report and affirmative
9 statement when the candidate has not made expenditures or received
10 contributions in an amount that would otherwise require disclosure under 17
11 V.S.A. § 2964. This bill also proposes to create penalties for the delinquent
12 filing of a registration, report, or disclosure required by 17 V.S.A. chapter 61
13 (campaign finance).

14 An act relating to establishing penalties for the failure of a candidate to file
15 campaign finance disclosures

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

17 Sec. 1. 17 V.S.A. § 2964 is amended to read:

18 § 2964. CAMPAIGN REPORTS; CANDIDATES FOR STATE OFFICE,
19 THE GENERAL ASSEMBLY, AND COUNTY OFFICE;
20 POLITICAL COMMITTEES; POLITICAL PARTIES

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(c) The failure of a ~~candidate~~, political committee, or political party to file a report under this section shall be deemed an affirmative statement that a report is not required of the ~~candidate~~, political committee, or political party under this section.

(d) Each candidate for State office, the General Assembly, a two-year-term county office, or a four-year term county office who is not otherwise required to file a report pursuant to this section shall file with the Secretary of State a report and affirmative statement that the candidate has not made expenditures or accepted contributions in the amounts specified in this section.

Sec. 2. 17 V.S.A. § 2974 is added to read:

§ 2974. DELINQUENT FILING; PENALTIES

(a) If any registration, report, or disclosure is not filed in the time and manner required by this chapter:

(1) The Office of the Secretary of State shall issue a notice of delinquency to the candidate for any registration, report, or disclosure required of a candidate in the time and manner required by this chapter.

(2) The candidate shall have five business days from the date that the Office of the Secretary of State issues the notice to cure the delinquency.

(3) Immediately following the five business day period, the delinquent candidate shall pay a \$10.00 penalty for each subsequent day that the

1 registration, report, or disclosure remains delinquent. For an individual
2 delinquent filing, the total amount of penalties imposed pursuant to this section
3 shall not exceed \$1,000.00.

4 (4) Notwithstanding subdivision (3) of this subsection, the Secretary of
5 State may reduce or waive any penalty imposed under this section if the
6 candidate demonstrates good cause, as determined by the Secretary of State.

7 (b) The Office of the Secretary of State shall send a notice of delinquency
8 to the email address provided by the candidate in the candidate's consent of
9 candidate form.

10 (c) The Secretary of State may utilize remedies available to a claimant
11 agency under 32 V.S.A. chapter 151, subchapter 12 to collect any unpaid
12 penalty.

13 (d)(1) A candidate who files a report or disclosure with intent to defraud,
14 falsify, conceal, or cover up by any trick, scheme, or device a material fact; or,
15 with intent to defraud, make any false, fictitious, or fraudulent claim or
16 representation as to a material fact; or, with intent to defraud, make or use any
17 writing or document knowing the same to contain any false, fictitious, or
18 fraudulent claim or entry as to a material fact shall be considered to have made
19 a false claim for the purposes of 13 V.S.A. § 3016.

20 (2) Pursuant to 3 V.S.A. § 1223 and section 2904a of this title,
21 complaints regarding any candidate who fails to properly file a registration,

1 report, or disclosure required under this chapter may be filed with the Office of
2 the Secretary of State. The Secretary of State shall refer complaints to the
3 Attorney General or to the State's Attorney of jurisdiction for investigation, as
4 appropriate.

5 Sec. 3. EFFECTIVE DATE

6 This act shall take effect on July 1, 2025.