

1 H.481

2 Introduced by Representative Buxton of Tunbridge

3 Referred to Committee on

4 Date:

5 Subject: Elections; campaign finance

6 Statement of purpose of bill as introduced: This bill proposes to revise

7 Vermont's campaign finance laws.

8 An act relating to campaign finance

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

10 Sec. 1. REPEAL

11 17 V.S.A. chapter 59 (campaign finance) is repealed.

12 Sec. 2. 17 V.S.A. chapter 61 is added to read:

13 CHAPTER 61. CAMPAIGN FINANCE

14 Subchapter 1. General Provisions

15 § 2901. DEFINITIONS

16 As used in this chapter:

17 (1) "Candidate" means an individual who has taken affirmative action to

18 become a candidate for state, county, local, or legislative office in a primary,

19 special, general, or local election. An affirmative action shall include one or

20 more of the following:

1 (A) accepting contributions or making expenditures totaling \$500.00
2 or more;

3 (B) filing the requisite petition for nomination under this title or
4 being nominated by primary or caucus; or

5 (C) announcing that he or she seeks an elected position as a state,
6 county, or local officer or a position as representative or senator in the General
7 Assembly.

8 (2) "Candidate's committee" means the candidate's campaign staff,
9 whether paid or unpaid.

10 (3) "Clearly identified," with respect to a candidate, means:

11 (A) the name of the candidate appears; or

12 (B) the identity of the candidate is apparent by unambiguous
13 reference.

14 (4) "Contribution" means a payment, distribution, advance, deposit,
15 loan, or gift of money or anything of value, paid or promised to be paid for the
16 purpose of influencing an election, advocating a position on a public question,
17 or supporting or opposing one or more candidates in any election. For
18 purposes of this chapter, "contribution" shall not include any of the following:

19 (A) a personal loan of money to a candidate from a lending
20 institution made in the ordinary course of business;

1 (B) services provided without compensation by individuals
2 volunteering their time on behalf of a candidate, political committee, or
3 political party;

4 (C) unreimbursed travel expenses paid for by an individual for
5 himself or herself who volunteers personal services to a candidate;

6 (D) unreimbursed campaign-related travel expenses paid for by the
7 candidate or the candidate's spouse or civil union partner;

8 (E) the use by a candidate or volunteer of his or her own personal
9 property, including offices, telephones, computers, and similar equipment;

10 (F) the use of a political party's offices, telephones, computers, and
11 similar equipment;

12 (G) the payment by a political party of the costs of preparation,
13 display, or mailing or other distribution of a party candidate listing;

14 (H) documents, in printed or electronic form, including party
15 platforms, single copies of issue papers, information pertaining to the
16 requirements of this title, lists of registered voters, and voter identification
17 information created, obtained, or maintained by a political party for the general
18 purpose of party building and provided to a candidate who is a member of that
19 party or to another political party;

1 (I) compensation paid by a political party to its employees whose job
2 responsibilities are not for the specific and exclusive benefit of a single
3 candidate in any election;

4 (J) compensation paid by a political party to its employees or
5 consultants for the purpose of providing assistance to another political party;

6 (K) campaign training sessions provided to three or more candidates;

7 (L) costs paid for by a political party in connection with a campaign
8 event at which three or more candidates are present; or

9 (M) activity or communication designed to encourage individuals to
10 register to vote or to vote if that activity or communication does not mention or
11 depict a clearly identified candidate.

12 (5) "Election" means the procedure whereby the voters of this State or
13 any of its political subdivisions select a person to be a candidate for public
14 office or to fill a public office or whereby those voters or the members of the
15 General Assembly act on public questions, including voting on constitutional
16 amendments. Each primary, general, special, or local election shall constitute
17 a separate election.

18 (6) "Electioneering communication" means any communication that
19 refers to a clearly identified candidate for office and that promotes or supports
20 a candidate for that office or attacks or opposes a candidate for that office,
21 regardless of whether the communication expressly advocates a vote for or

1 against a candidate, including communications published in any newspaper or
2 periodical or broadcast on radio or television or over the Internet or any public
3 address system; placed on any billboards, outdoor facilities, buttons, or printed
4 material attached to motor vehicles, window displays, posters, cards,
5 pamphlets, leaflets, flyers, or other circulars; or contained in any direct
6 mailing, robotic phone calls, or mass e-mails.

7 (7) “Expenditure” means a payment, disbursement, distribution,
8 advance, deposit, loan, or gift of money or anything of value, paid or promised
9 to be paid, for the purpose of influencing an election, advocating a position on
10 a public question, or supporting or opposing one or more candidates. For the
11 purposes of this chapter, “expenditure” shall not include any of the following:

12 (A) a personal loan of money to a candidate from a lending
13 institution made in the ordinary course of business;

14 (B) services provided without compensation by individuals
15 volunteering their time on behalf of a candidate, political committee, or
16 political party;

17 (C) unreimbursed travel expenses paid for by an individual for
18 himself or herself who volunteers personal services to a candidate; or

19 (D) unreimbursed campaign-related travel expenses paid for by the
20 candidate or the candidate’s spouse or civil union partner.

1 (8) “Full name” means an individual’s full first name, middle name or
2 initial, if any, and full legal last name, making the identity of the person who
3 made the contribution apparent by unambiguous reference.

4 (9) “Independent expenditure-only political committee” means a
5 political committee that conducts its activities entirely independent of
6 candidates; does not give contributions to candidates, political committees, or
7 political parties; does not make related expenditures; and is not closely related
8 to a political party or to a political committee that makes contributions to
9 candidates or makes related expenditures.

10 (10) “Mass media activity” means a television commercial, radio
11 commercial, mass mailing, mass electronic or digital communication, literature
12 drop, newspaper and periodical advertisement, robotic phone call, or telephone
13 bank, which includes the name or likeness of a clearly identified candidate for
14 office.

15 (11) “Party candidate listing” means any communication by a political
16 party that:

17 (A) lists the names of at least three candidates for election to public
18 office;

19 (B) is distributed through public advertising such as broadcast
20 stations, cable television, newspapers, and similar media or through direct

1 mail, telephone, electronic mail, a publicly accessible site on the Internet, or
2 personal delivery;

3 (C) treats all candidates in the communication in a substantially
4 similar manner; and

5 (D) is limited to:

6 (i) the identification of each candidate, with which pictures may
7 be used;

8 (ii) the offices sought;

9 (iii) the offices currently held by the candidates;

10 (iv) the party affiliation of the candidates and a brief statement
11 about the party or the candidates' positions, philosophy, goals,
12 accomplishments, or biographies;

13 (v) encouragement to vote for the candidates identified; and

14 (vi) information about voting, such as voting hours and locations.

15 (12) "Political committee" or "political action committee" means any
16 formal or informal committee of two or more individuals or a corporation,
17 labor organization, public interest group, or other entity, not including a
18 political party or a candidate's committee, which receives contributions of
19 \$1,000.00 or more and makes expenditures of \$1,000.00 or more in any two-
20 year general election cycle for the purpose of supporting or opposing one or
21 more candidates, influencing an election, or advocating a position on a public

1 question in any election, and includes an independent expenditure-only
2 political committee.

3 (13) "Political party" means a political party organized under chapter 45
4 of this title and any committee established, financed, maintained, or controlled
5 by the party, including any subsidiary, branch, or local unit thereof, and shall
6 be considered a single, unified political party. The national affiliate of the
7 political party shall be considered a separate political party.

8 (14) "Public question" means an issue that is before the voters or the
9 General Assembly for a binding decision.

10 (15) "Single source" means an individual, partnership, corporation,
11 association, labor organization, or any other organization or group of persons
12 which is not a political committee or political party.

13 (16) "Telephone bank" means more than 500 telephone calls of an
14 identical or substantially similar nature that are made to the general public
15 within any 30-day period.

16 (17) "Two-year general election cycle" means the 24-month period that
17 begins 38 days after a general election.

18 § 2902. EXCEPTIONS

19 The definitions of "contribution," "expenditure," and "electioneering
20 communication" shall not apply to:

1 (1) any news story, commentary, or editorial distributed through the
2 facilities of any broadcasting station, newspaper, magazine, or other periodical
3 publication which has not been paid for or such facilities are not owned or
4 controlled, by any political party, committee, or candidate; or

5 (2) any communication distributed through a public access television
6 station if the communication complies with the laws and rules governing the
7 station and if all candidates in the race have an equal opportunity to promote
8 their candidacies through the station.

9 § 2903. PENALTIES

10 (a) In addition to any other penalties provided in this section, a person who
11 fails to file a report required under subchapter 4 of this chapter commits a civil
12 violation and shall be subject to a penalty of \$50.00 for each day after the
13 reporting deadline that the person fails to file the report. When a person fails
14 to file such a report, the Secretary of State or his or her designee shall file a
15 summons and complaint with the Judicial Bureau for adjudication under
16 4 V.S.A. chapter 29.

17 (b)(1) A person who knowingly and intentionally violates a provision of
18 subchapter 2 or 4 of this chapter shall be fined not more than \$1,000.00 or
19 imprisoned not more than six months or both.

1 (2) A person who knowingly and intentionally violates any provision of
2 subchapter 3 of this chapter shall be fined not more than \$10,000.00 or
3 imprisoned not more than two years or both.

4 (3) If the person is not a natural person, each individual responsible for
5 knowingly and intentionally authorizing a violation shall be liable under this
6 subsection.

7 (c) A person who violates any provision of this chapter shall be subject to a
8 civil penalty of up to \$10,000.00 for each violation and shall refund the
9 unspent balance of Vermont campaign finance grants received, if any,
10 calculated as of the date of the violation.

11 (d) In addition to the other penalties provided in this section, a state's
12 attorney or the Attorney General may institute any appropriate action,
13 injunction, or other proceeding to prevent, restrain, correct, or abate any
14 violation of this chapter.

15 § 2904. CIVIL INVESTIGATION

16 (a)(1) The Attorney General or a state's attorney, whenever he or she has
17 reason to believe any person to be or to have been in violation of this chapter
18 or of any rule or regulation made pursuant to this chapter, may examine or
19 cause to be examined by any agent or representative designated by him or her
20 for that purpose any books, records, papers, memoranda, and physical objects

1 of any nature bearing upon each alleged violation and may demand written
2 responses under oath to questions bearing upon each alleged violation.

3 (2) The Attorney General or a state's attorney may require the
4 attendance of such person or of any other person having knowledge in the
5 premises in the county where such person resides or has a place of business or
6 in Washington County if such person is a nonresident or has no place of
7 business within the State and may take testimony and require proof material
8 for his or her information and may administer oaths or take acknowledgment in
9 respect of any book, record, paper, or memorandum.

10 (3) The Attorney General or a state's attorney shall serve notice of the
11 time, place, and cause of such examination or attendance or notice of the cause
12 of the demand for written responses personally or by certified mail upon such
13 person at his or her principal place of business or, if such place is not known,
14 to his or her last known address.

15 (4) Any book, record, paper, memorandum, or other information
16 produced by any person pursuant to this section shall not, unless otherwise
17 ordered by a court of this State for good cause shown, be disclosed to any
18 person other than the authorized agent or representative of the Attorney
19 General or a state's attorney or another law enforcement officer engaged in
20 legitimate law enforcement activities unless with the consent of the person
21 producing the same, except that any transcript of oral testimony, written

1 responses, documents, or other information produced pursuant to this section
2 may be used in the enforcement of this chapter, including in connection with
3 any civil action brought under section 2903 of this subchapter or subsection (c)
4 of this section.

5 (5) Nothing in this subsection is intended to prevent the Attorney
6 General or a state's attorney from disclosing the results of an investigation
7 conducted under this section, including the grounds for his or her decision as to
8 whether to bring an enforcement action alleging a violation of this chapter or
9 of any rule or regulation made pursuant to this chapter.

10 (6) This subsection shall not be applicable to any criminal investigation
11 or prosecution brought under the laws of this or any state.

12 (b)(1) A person upon whom a notice is served pursuant to the provisions of
13 this section shall comply with its terms unless otherwise provided by the order
14 of a court of this State. Any person who is served with such notice within the
15 State shall bear the complete cost of compliance with its terms.

16 (2) Any person who, with intent to avoid, evade, or prevent compliance
17 with, in whole or in part, any civil investigation under this section, removes
18 from any place; conceals, withholds, or destroys; or mutilates, alters, or by any
19 other means falsifies any documentary material in the possession, custody, or
20 control of any person subject to such notice or mistakes or conceals any
21 information shall be fined not more than \$5,000.00.

1 (c)(1) Whenever any person fails to comply with any notice served upon
2 him or her under this section or whenever satisfactory copying or reproduction
3 of any such material cannot be done and the person refuses to surrender the
4 material, the Attorney General or a state's attorney may file, in the superior
5 court in which the person resides or has his or her principal place of business
6 or in Washington County if the person is a nonresident or has no principal
7 place of business in this State, and serve upon the person a petition for an order
8 of the court for the enforcement of this section.

9 (2) Whenever any petition is filed under this section, the court shall have
10 jurisdiction to hear and determine the matter so presented and to enter any
11 order or orders as may be required to carry into effect the provisions of this
12 section. Any disobedience of any order entered under this section by any court
13 shall be punished as a contempt of the court.

14 (d) Any person aggrieved by a civil investigation conducted under this
15 section may seek relief from Washington Superior Court or the superior court
16 in the county in which the aggrieved person resides. Except for cases the court
17 considers to be of greater importance, proceedings before superior court as
18 authorized by this section shall take precedence on the docket over all other
19 cases.

1 § 2905. ADJUSTMENTS FOR INFLATION

2 (a) Whenever it is required by this chapter, the Secretary of State shall
3 make adjustments to monetary amounts provided in this chapter based on the
4 Consumer Price Index. Increases shall be rounded to the nearest \$10.00 and
5 shall apply for the term of a two-year general election cycle. Increases shall be
6 effective for the first two-year general election cycle beginning after the
7 general election held in 2012.

8 (b) On or before July 1, 2013, the Secretary of State shall calculate and
9 publish on the online database set forth in section 2906 of this chapter each
10 adjusted monetary amount that will apply to the election cycle in which July 1,
11 2013 falls. On July 1 of each subsequent odd-numbered year, the Secretary
12 shall publish the amount of each adjusted monetary amount for the election
13 cycle in which that publication falls.

14 § 2906. CAMPAIGN DATABASE; CANDIDATE INFORMATION

15 PUBLICATION

16 (a) Campaign database. For each two-year general election cycle, the
17 Secretary of State shall develop and continually update a publicly accessible
18 campaign database which shall be made available to the public through the
19 Secretary of State's home page online service or through printed reports from
20 the Secretary in response to a public request within 14 days of the date of the
21 request. The database shall contain:

1 (1) at least the following information for all candidates for statewide,
2 county, and local office and for the General Assembly:

3 (A) for candidates receiving public financing grants, the amount of
4 each grant awarded; and

5 (B) the information contained in any reports submitted pursuant to
6 subchapter 4 of this chapter;

7 (2) campaign finance reports filed by candidates for federal office;

8 (3) the adjustments for inflation made to monetary amounts as required
9 by this chapter; and

10 (4) any photographs, biographical sketches, and position statements
11 submitted to the Secretary pursuant to subsection (b) of this section.

12 (b) Candidate information publication.

13 (1) Any candidate for statewide office and any candidate for federal
14 office qualified to be on the ballot in this state may submit to the Secretary of
15 State a photograph, biographical sketch, and position statement of a length and
16 format specified by the Secretary for the purposes of preparing a candidate
17 information publication.

18 (2) Without making changes in the material presented, the Secretary
19 shall prepare a candidate information publication for statewide distribution
20 prior to the general election, which includes the candidates' photographs,
21 biographies, and position statements; a brief explanation of the process used to

1 obtain candidate submissions; and, with respect to offices for which public
2 financing is available, an indication of which candidates are receiving Vermont
3 campaign finance grants and which candidates are not receiving Vermont
4 campaign finance grants.

5 (3) The Secretary shall prepare, publish, and distribute the candidate
6 information publication throughout the State no later than one week prior to
7 the general election. The Secretary shall also seek voluntary distribution of the
8 candidate information publication in weekly and daily newspapers and other
9 publications in the State. The Secretary shall also make the candidate
10 information publication available in large type, audiotape, and Internet
11 versions.

12 § 2907. ADMINISTRATION

13 The Secretary of State shall administer this chapter and shall perform all
14 duties required under this chapter. The Secretary may employ or contract for
15 the services of persons necessary for performance of these duties.

16 Subchapter 2. Registration and Maintenance Requirements

17 § 2911. CANDIDATES, POLITICAL COMMITTEES, POLITICAL
18 PARTIES; CHECKING ACCOUNT; TREASURER;

19 Each candidate who has made expenditures or received contributions of
20 \$500.00 or more, each political committee, and each political party required to

1 register under section 2912 of this subchapter shall be subject to the following
2 requirements:

3 (1) All expenditures shall be paid by either a credit card or a debit card,
4 check, or other electronic transfer from a single campaign checking account in
5 a single bank publicly designated by the candidate, political committee, or
6 political party.

7 (2) Each candidate, political committee, and political party shall name a
8 treasurer who is responsible for maintaining the checking account. A
9 candidate's treasurer may be the candidate or his or her spouse.

10 § 2912. POLITICAL COMMITTEES AND PARTIES; REGISTRATION;

11 INDEPENDENT EXPENDITURE-ONLY POLITICAL

12 COMMITTEE REPRESENTATIVE

13 (a) Each political committee and each political party which has accepted
14 contributions or made expenditures of \$1,000.00 or more in any two-year
15 general election cycle shall register with the Secretary of State stating its full
16 name and address, the name and address of its treasurer, and the name and
17 address of the bank in which it maintains its campaign checking account. A
18 political party shall register within 10 days of reaching the \$1,000.00
19 threshold.

20 (b) A political party or political committee whose principal place of
21 business or whose treasurer is not located in this State shall file a statement

1 with the Secretary of State designating a person who resides in this State upon
2 whom may be served any process, notice, or demand required or permitted by
3 law to be served upon the political party or political committee. This statement
4 shall be filed at the same time as the registration required in subsection (a) of
5 this section.

6 (c) In addition to the other requirements of this section, an independent
7 expenditure-only political committee shall name a representative of the
8 committee who shall be responsible for receiving inquiries from voters and the
9 press.

10 § 2913. CANDIDATES AND POLITICAL COMMITTEES; SURPLUS

11 CAMPAIGN FUNDS

12 (a) A member of a political committee which has surplus funds after all
13 campaign debts have been paid shall not convert the surplus to personal use.

14 (b) A candidate who has surplus funds after all campaign debts have been
15 paid shall not convert the surplus to personal use, other than to reduce personal
16 campaign debts.

17 (c) Surplus funds in a political committee's or candidate's account after
18 payment of all campaign debts may be contributed to other candidates,
19 political parties, or political committees subject to the contribution limits set
20 forth in this chapter or may be contributed to a charity.

1 shall not accept contributions totaling more than \$7,500.00 from a single
2 source or a political committee.

3 (4) A political committee shall not accept contributions totaling more
4 than \$2,000.00 from a single source, a political committee, or a political party.

5 (5) A political party shall not accept contributions totaling more than
6 \$40,000.00 from a single source, a political committee, or a political party.

7 (6) A single source, political committee, or political party shall not
8 contribute more to a candidate, political committee, or political party than the
9 candidate, political committee, or political party is permitted to accept under
10 subdivisions (1) through (5) of this section.

11 § 2922. EXCEPTIONS

12 (a) The limitations on contributions to political committees shall not apply
13 to independent expenditure-only political committees.

14 (b) The contribution limitations established by this subchapter shall not
15 apply to contributions to a political committee made for the purpose of
16 advocating a position on a public question, including a constitutional
17 amendment.

18 § 2923. LIMITATIONS ADJUSTED FOR INFLATION

19 The contribution limitations contained in this subchapter shall be adjusted
20 for inflation pursuant to the Consumer Price Index as provided in section 2905
21 of this chapter.

1 § 2924. ACCOUNTABILITY FOR RELATED EXPENDITURES

2 (a) A related campaign expenditure made on a candidate's behalf shall be
3 considered a contribution to the candidate on whose behalf it was made.

4 (b) For the purposes of this section, a "related campaign expenditure made
5 on the candidate's behalf" means any expenditure intended to promote the
6 election of a specific candidate or group of candidates or the defeat of an
7 opposing candidate or group of candidates if intentionally facilitated by,
8 solicited by, or approved by the candidate or the candidate's committee.

9 (c)(1) An expenditure made by a political party or by a political committee
10 that recruits or endorses candidates that primarily benefits six or fewer
11 candidates who are associated with the political party or political committee
12 making the expenditure is presumed to be a related expenditure made on behalf
13 of those candidates.

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

19 (3) For the purposes of this section, a "related campaign expenditure
20 made on the candidate's behalf" does not mean:

1 (A) the cost of invitations and postage and of food and beverages
2 voluntarily provided by an individual in conjunction with an opportunity for a
3 group of voters to meet a candidate if the cumulative value of these items
4 provided by the individual on behalf of any candidate does not exceed \$500.00
5 per election; or

6 (B) the sale of any food or beverage by a vendor at a charge less than
7 the normal comparable charge for use at a campaign event providing an
8 opportunity for a group of voters to meet a candidate if the charge to the
9 candidate is at least equal to the cost of the food or beverages to the vendor and
10 if the cumulative value of the food or beverages does not exceed \$500.00 per
11 election.

12 (d)(1) A candidate may seek a determination that an expenditure is a
13 related expenditure made on behalf of an opposing a candidate by filing a
14 petition with the superior court of the county in which either candidate resides.

15 (2) Within 24 hours of the filing of a petition, the court shall schedule
16 the petition for hearing. Except as to cases the court considers of greater
17 importance, proceedings before the superior court, as authorized by this section
18 and appeals therefrom take precedence on the docket over all cases and shall
19 be assigned for hearing and trial or for argument at the earliest practicable date
20 and expedited in every way.

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

3 (e) The Secretary of State may adopt rules necessary to administer the
4 provisions of this section.

5 § 2925. PROHIBITION ON CIRCUMVENTION

6 A candidate, political committee, or political party shall not knowingly
7 accept a contribution which is not directly from the contributor but was
8 transferred to the contributor by another person for the purpose of transferring
9 the same to the candidate, political committee, or political party or otherwise
10 circumventing the provisions of this chapter. It shall be a violation of this
11 chapter for a person to make a contribution with the explicit or implicit
12 understanding that the contribution will be transferred in violation of this
13 subsection.

14 § 2926. ACCEPTING CONTRIBUTIONS

15 (a) A candidate, political committee, or political party accepts a
16 contribution when the contribution is deposited in the candidate's,
17 committee's, or party's campaign account or two business days after the
18 candidate, committee, or party receives it, whichever comes first.

19 (b) A candidate, political committee, or political party shall not accept a
20 monetary contribution in excess of \$50.00 unless made by check, credit or
21 debit card, or other electronic transfer.

1 § 2927. CANDIDATES; GENERAL PROVISIONS

2 (a) A candidate's expenditures related to a previous two-year general
3 election cycle and contributions used to retire a debt of a previous two-year
4 general election cycle shall be attributed to the earlier two-year general
5 election cycle.

6 (b) This subchapter shall not be interpreted to limit the amount a candidate
7 or his or her immediate family may contribute to his or her own campaign. For
8 purposes of this subsection, "immediate family" means a candidate's spouse or
9 civil union partner, parent, grandparent, child, grandchild, sister, brother,
10 stepparent, stepgrandparent, stepchild, stepgrandchild, stepsister, stepbrother,
11 mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law,
12 daughter-in-law, legal guardian, or former legal guardian.

13 (c) For purposes of this subchapter, the term "candidate" includes the
14 candidate's political committee.

15 Subchapter 4. Reporting Requirements; Disclosures and Disclaimers

16 § 2931. SUBMISSION OF REPORTS TO THE SECRETARY OF STATE

17 (a)(1) The Secretary of State shall provide on the online database set forth
18 in section 2905 of this chapter digital access to the form he or she provides for
19 any report required by this chapter. Digital access shall enable any person
20 required to file a report under this chapter to file the report by completing and
21 submitting the report to the Secretary of State online.

1 (2) The Secretary shall maintain on the online database reports that have
2 been filed for each two-year general election cycle so that any person may
3 have direct machine-readable electronic access to the individual data elements
4 in each report and the ability to search those data elements as soon as a report
5 is filed.

6 (b) Any person required to file a report with the Secretary of State under
7 this chapter shall file the report digitally on the online database.

8 § 2932. CAMPAIGN FINANCE REPORTS; SECRETARY OF STATE;

9 FORMS; FILING

10 (a)(1) The Secretary of State shall prescribe and provide a uniform
11 reporting form for all campaign finance reports. The reporting form shall be
12 designed to show the following information:

13 (A) the full name, town of residence, and mailing address of each
14 contributor who contributes an amount in excess of \$100.00, the date of the
15 contribution, and the amount contributed, as well as a space on the form for the
16 occupation and employer of each contributor, which the candidate, political
17 committee, or political party shall make a reasonable effort to obtain;

18 (B) the total amount of all contributions of \$100.00 or less and the
19 total number of all such contributions;

20 (C) each expenditure listed by amount, date, to whom paid, and for
21 what purpose;

1 (D) the amount contributed or loaned by the candidate to his or her
2 own campaign during the reporting period; and

3 (E) each debt or other obligation, listed by amount, date incurred, to
4 whom owed, and for what purpose, incurred during the reporting period.

5 (2) For the purposes of subdivision (1) of this subsection, if the
6 contributor is a formal or informal committee of two or more individuals or a
7 corporation, labor organization, public interest group, or other entity, not
8 including a political party, the report shall show the name of that committee or
9 entity and:

10 (A) if the committee or entity has a board of directors or other
11 governing body, the names of the natural persons serving on that board or
12 body; or

13 (B) if the committee or entity does not have a board of directors or
14 other governing body, the name of the natural person who had the authority to
15 make the contribution on behalf of the committee or entity.

16 (b)(1) The form shall require the reporting of all contributions and
17 expenditures accepted or spent during the reporting period and during the
18 campaign to date and shall require full disclosure of the manner in which any
19 indebtedness is discharged or forgiven.

20 (2) Contributions and expenditures for the reporting period and for the
21 campaign to date also shall be totaled in an appropriate place on the form. The

1 total of contributions shall include a subtotal of nonmonetary contributions and
2 a subtotal of all monetary contributions.

3 (3) The form shall contain a list of the required filing times so that the
4 person filing may designate for which time period the filing is made.

5 (4) Contributions and expenditures received or spent after 5 p.m. on the
6 third day prior to the filing deadline shall be reported on the next report.

7 (c) The form described in this section shall contain language of
8 certification of the truth of the statements and places for the signature of the
9 candidate or the treasurer of the campaign.

10 (d) Any person required to file a campaign finance report under this chapter
11 shall provide the information required in the Secretary of State's reporting
12 form. Disclosure shall be limited to the information required to administer this
13 chapter.

14 (e) All reports filed under this chapter shall be retained in an indexed file
15 by the Secretary of State and shall be subject to the examination of any person.

16 § 2933. CAMPAIGN REPORTS; CANDIDATES FOR STATE OFFICE

17 AND THE GENERAL ASSEMBLY; POLITICAL COMMITTEES;

18 POLITICAL PARTIES; OTHER ENTITIES

19 (a) Each candidate for state office, each candidate for the General
20 Assembly who has made expenditures or received contributions of \$500.00 or
21 more, and, except as provided in subsection (b) of this section, each political

1 committee and each political party required to register under section 2912 of
2 this chapter shall file with the Secretary of State campaign finance reports as
3 follows:

4 (1) in the first year of the two-year general election cycle, quarterly,
5 beginning on January 15 of the odd-numbered year;

6 (2) in the second year of the two-year general election cycle, monthly,
7 beginning on January 15 of the even-numbered year until July 15;

8 (3) from July 15 through the general election, every two weeks; and

9 (4) two weeks after the general election.

10 (b) A political committee or a political party which has accepted
11 contributions or made expenditures of \$1,000.00 or more in any two-year
12 general election cycle for the purpose of influencing a local election or
13 supporting or opposing one or more candidates in a local election shall file
14 campaign finance reports regarding that election 10 days before and 10 days
15 after the local election with the Secretary of State.

16 (c) Any formal or informal committee of two or more individuals or a
17 corporation, labor organization, public interest group, or other entity, not
18 including a political party, which makes expenditures of \$1,000.00 or more in
19 any two-year general election cycle for the purpose of advocating a position on
20 a public question in any election shall file a report of the information required

1 by section 2932 of this subchapter 10 days before and 10 days after the
2 election with the Secretary of State.

3 (d) At any time, but not later than December 15th following the general
4 election, each candidate for state office and each candidate for the General
5 Assembly who has made expenditures or received contributions of \$500.00 or
6 more shall file with the Secretary of State a “final report” which lists a
7 complete accounting of all contributions and expenditures since the last report
8 and disposition of surplus and which shall constitute the termination of his or
9 her campaign activities.

10 (e) A political committee or political party shall file a campaign finance
11 report not later than 40 days following the general election. At any time, a
12 political committee or a political party may file a “final report” which lists a
13 complete accounting of all contributions and expenditures since the last report
14 and disposition of surplus and which shall constitute the termination of its
15 campaign activities.

16 (f) Each candidate for state office and each candidate for the General
17 Assembly who has made expenditures or received contributions of less than
18 \$500.00 shall file with the Secretary of State 10 days following the general
19 election a statement that the candidate has not made expenditures or received
20 contributions of \$500.00 or more during the two-year general election cycle.

1 (g) The failure of a candidate for the General Assembly to file a report
2 under subsection (a) of this section shall be deemed an affirmative statement
3 that the candidate has not accepted contributions or made expenditures of
4 \$500.00 or more.

5 § 2934. ADDITIONAL CAMPAIGN REPORTS; CANDIDATES FOR
6 STATE OFFICE AND THE GENERAL ASSEMBLY; POLITICAL
7 COMMITTEES

8 (a) In addition to any other reports required to be filed under this chapter:

9 (1) a candidate for state office or for the General Assembly who
10 receives a monetary contribution in an amount over \$2,000.00 within 10 days
11 of a primary or general election shall report the contribution to the Secretary of
12 State within 24 hours of receiving the contribution; and

13 (2) a political committee that receives a monetary contribution in an
14 amount over \$250.00 within 45 days preceding a primary or general election
15 shall report the contribution to the Secretary of State within 24 hours of
16 receiving the contribution.

17 (b) The report shall include the following information:

18 (1) the full name, town of residence, and mailing address of the
19 contributor; the date of the contribution; and the amount contributed; and

20 (2) as applicable, the amount contributed or loaned by the candidate to
21 his or her own campaign.

1 § 2935. CAMPAIGN REPORTS; COUNTY OFFICE CANDIDATES

2 (a) Each candidate for county office who has made expenditures or
3 accepted contributions of \$500.00 or more shall file campaign finance reports
4 with the Secretary of State as follows:

5 (1) Ten days before the primary election.

6 (2) Ten days before the general election.

7 (3) Further campaign reports shall be filed on the 15th day of July and
8 annually thereafter or until all contributions and expenditures have been
9 accounted for and any indebtedness and surplus have been eliminated.

10 (b) Within 40 days after the general election, each candidate for county
11 office who has made expenditures or accepted contributions of \$500.00 or
12 more shall file with the Secretary of State a “final report” which lists a
13 complete accounting of all contributions and expenditures since the last report
14 and a disposition of surplus and which shall constitute the termination of his or
15 her campaign activities.

16 (c) The failure of a county candidate to file a campaign finance report shall
17 be deemed an affirmative statement that the candidate has not accepted
18 contributions or made expenditures of \$500.00 or more.

1 § 2936. CAMPAIGN REPORTS; LOCAL CANDIDATES

2 (a) Each candidate for local office who has made expenditures or accepted
3 contributions of \$500.00 or more shall file with the Secretary of State
4 campaign finance reports 10 days before and 10 days after the local election.

5 (b) The failure of a local candidate to file a campaign finance report shall
6 be deemed an affirmative statement that the candidate has not accepted
7 contributions or made expenditures of \$500.00 or more.

8 § 2937. REPORT OF MASS MEDIA ACTIVITIES

9 (a)(1) In addition to any other reports required to be filed under this
10 chapter, a person who makes expenditures for any one mass media activity
11 totaling \$500.00 or more, adjusted for inflation pursuant to the Consumer Price
12 Index as provided in section 2905 of this chapter, within 45 days before a
13 primary or general election shall, for each activity, file a mass media report
14 with the Secretary of State and send a copy of the report to each candidate
15 whose name or likeness is included in the activity without that candidate's
16 knowledge.

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

20 (3) The mass media report shall be filed and the copy of the report shall
21 be sent within 24 hours of the expenditure or activity, whichever occurs first.

1 For the purposes of this section, a person shall be treated as having made an
2 expenditure if the person has executed a contract to make the expenditure.

3 (b) The report shall identify the following information:

4 (1)(A) If the person who made the expenditure is a natural person, his or
5 her name;

6 (B) If the person who made the expenditure is not a natural person,
7 that person's name and:

8 (i) if that person has a board of directors or other governing body,
9 the names of the natural persons serving on that board or body; or

10 (ii) if that person does not have a board of directors or other
11 governing body, the name of the natural person who had the authority to make
12 the contribution on behalf of that person;

13 (2) the name of each candidate whose name or likeness was included in
14 the activity;

15 (3) the amount and date of the expenditure and to whom it was paid; and

16 (4) the purpose of the expenditure.

17 (c) If the activity occurs within 30 days before the election and the
18 expenditure was previously reported, an additional report shall be required
19 under this section.

1 § 2938. DISCLAIMERS IN ELECTIONEERING COMMUNICATIONS

2 (a) An electioneering communication shall contain the name and mailing
3 address of the person, candidate, political committee, or political party that
4 paid for the communication. The name and address shall appear prominently
5 such that a reasonable person would clearly understand by whom the
6 expenditure has been made, except that:

7 (1) An electioneering communication transmitted through radio and paid
8 for by a candidate does not need to contain the candidate's address.

9 (2) An electioneering communication paid for by a person acting as an
10 agent or consultant on behalf of another person, candidate, political committee,
11 or political party shall clearly designate the name and mailing address of the
12 person, candidate, political committee, or political party on whose behalf the
13 communication is published or broadcast.

14 (b) If an electioneering communication is a related campaign expenditure
15 made on a candidate's behalf as provided in section 2924 of this chapter, then
16 in addition to other requirements of this section, the communication shall also
17 clearly designate the candidate on whose behalf it was made by including
18 language such as "on behalf of" such candidate.

19 (c) In addition to the disclaimer requirements in subsections (a) and (b) of
20 this section, an electioneering communication paid for on behalf of a political
21 committee shall contain the name of any contributor to that committee who has

1 contributed 25 percent or more of all contributions to the committee since the
2 beginning of the two-year general election cycle.

3 (d) The disclaimer requirements of this section shall not apply to lapel
4 stickers or buttons, nor shall they apply to electioneering communications
5 made by a single individual acting alone who spends, in a single two-year
6 general election cycle, a cumulative amount of no more than \$150.00 on those
7 electioneering communications, adjusted for inflation pursuant to the
8 Consumer Price Index as provided in section 2905 of this chapter.

9 § 2939. SPECIFIC DISCLAIMER REQUIREMENTS FOR RADIO OR
10 TELEVISION COMMUNICATIONS

11 (a) A person, candidate, political committee, or political party that makes
12 an expenditure for an electioneering communication shall include in any
13 communication which is transmitted through radio or television, in a clearly
14 spoken manner, an audio statement by the person who paid for the
15 communication stating his or her name and title, that the person paid for the
16 communication, and that the person approves of the content of the
17 communication.

18 (b) If the person who paid for the communication is not a natural person, a
19 statement required by this section shall be made by the principal officer of the
20 person and shall include the name of the person who paid for the

1 communication, the principal officer's name and title, and a statement that the
2 officer approves of the content of the communication.

3 Subchapter 5. Public Financing Option

4 § 2951. DEFINITIONS

5 As used in this subchapter:

6 (1) "Affidavit" means the Vermont campaign finance affidavit required
7 under section 2952 of this chapter.

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 and ending on the date on
15 which primary petitions must be filed under section 2356 of this title.

16 § 2952. FILING OF VERMONT CAMPAIGN FINANCE AFFIDAVIT

17 (a) A candidate for the office of Governor or Lieutenant Governor who
18 intends to seek Vermont campaign finance grants from the Vermont Campaign
19 Fund shall file a Vermont campaign finance affidavit on the date on or before
20 which primary petitions must be filed, whether the candidate seeks to enter a
21 party primary or is an independent candidate.

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

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

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

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

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

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

1 § 2953. VERMONT CAMPAIGN FINANCE GRANTS; CONDITIONS

2 (a) A person shall not be eligible for Vermont campaign finance grants if,
3 prior to February 15 of the general election year during any two-year general
4 election cycle, he or she becomes a candidate by announcing that he or she
5 seeks an elected position as Governor or Lieutenant Governor or by accepting
6 contributions totaling \$2,000.00 or more or by making expenditures totaling
7 \$2,000.00 or more.

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

9 (1) not solicit, accept, or expend any contributions except qualifying
10 contributions, Vermont campaign finance grants, and contributions authorized
11 under section 2955 of this chapter, which contributions may be solicited,
12 accepted, or expended only in accordance with the provisions of this
13 subchapter;

14 (2) deposit all qualifying contributions, Vermont campaign finance
15 grants, and any contributions accepted in accordance with the provisions of
16 section 2955 of this chapter in a federally insured noninterest-bearing checking
17 account; and

18 (3) not later than 40 days after the general election, deposit in the
19 Vermont Campaign Fund, after all permissible expenditures have been paid,
20 the balance of any amounts remaining in the account established under
21 subdivision (2) of this subsection.

1 § 2954. QUALIFYING CONTRIBUTIONS

2 (a) In order to qualify for Vermont campaign finance grants, a candidate for
3 the office of Governor or Lieutenant Governor shall obtain during the Vermont
4 campaign finance qualification period the following amount and number of
5 qualifying contributions for the office being sought:

6 (1) for Governor, a total amount of no less than \$35,000.00 collected
7 from no fewer than 1,500 qualified individual contributors making a
8 contribution of no more than \$50.00 each; or

9 (2) for Lieutenant Governor, a total amount of no less than \$17,500.00
10 collected from no fewer than 750 qualified individual contributors making a
11 contribution of no more than \$50.00 each.

12 (b) A candidate shall not accept more than one qualifying contribution
13 from the same contributor and a contributor shall not make more than one
14 qualifying contribution to the same candidate in any Vermont campaign
15 finance qualification period. For the purpose of this section, a qualified
16 individual contributor means an individual who is registered to vote in
17 Vermont. No more than 25 percent of the total number of qualified individual
18 contributors may be residents of the same county.

19 (c) Each qualifying contribution shall indicate the name and town of
20 residence of the contributor and the date received and be acknowledged by the
21 signature of the contributor.

1 (d) A candidate may retain and expend qualifying contributions obtained
2 under this section. A candidate may expend the qualifying contributions for
3 the purpose of obtaining additional qualifying contributions and may expend
4 the remaining qualifying contributions during the primary and general election
5 periods. Amounts expended under this subsection shall be considered
6 expenditures for purposes of this chapter.

7 § 2955. VERMONT CAMPAIGN FINANCE GRANTS; AMOUNTS;

8 TIMING

9 (a) To the extent funds are available, the Secretary of State shall make
10 grants from the Vermont Campaign Fund in separate grants for the primary
11 and general election periods to candidates who have qualified for Vermont
12 campaign finance grants under this subchapter.

13 (b) Whether a candidate has entered a primary or is an independent
14 candidate, Vermont campaign finance grants shall be in the following amounts:

15 (1) For Governor, \$75,000.00 in a primary election period and
16 \$225,000.00 in a general election period, provided that the grant for a primary
17 election period shall be reduced by an amount equal to the candidate's
18 qualifying contributions.

19 (2) For Lieutenant Governor, \$25,000.00 in a primary election period
20 and \$75,000.00 in a general election period, provided that the grant for a

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

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

6 (c) In an uncontested general election and in the case of a candidate who
7 enters a primary election and is unsuccessful in that election, an otherwise
8 eligible candidate shall not be eligible for a general election period grant.
9 However, such candidate may solicit and accept contributions and make
10 expenditures as follows: contributions shall be subject to the limitations set
11 forth in subchapter 3 of this chapter, and expenditures shall be limited to an
12 amount equal to the amount of the grant set forth in subsection (b) of this
13 section for the general election for that office.

14 (d) Grants awarded in a primary election period but not expended by the
15 candidate in the primary election period may be expended by the candidate in
16 the general election period.

17 (e) If the Vermont Campaign Fund contains insufficient revenues to
18 provide Vermont campaign finance grants to all candidates under this section,
19 the available funds shall be distributed proportionately among all qualifying
20 candidates. If grants are reduced under this subsection, a candidate may solicit
21 and accept additional contributions equal to the amount of the difference

1 between the amount of the Vermont campaign finance grants authorized and
2 the amount received under this section. Additional contributions authorized
3 under this subsection shall be governed by the provisions of subchapter 3 of
4 this chapter and section 2953 of this chapter.

5 (f) Vermont campaign finance grants for a primary election period shall be
6 paid to qualifying candidates within the first 10 business days of the primary
7 election period. Vermont campaign finance grants for a general election
8 period shall be paid to qualifying candidates during the first 10 business days
9 of the general election period.

10 § 2956. VERMONT CAMPAIGN FUND

11 (a) A Vermont Campaign Fund is created for distribution of Vermont
12 campaign finance grants to candidates for the offices of Governor and
13 Lieutenant Governor. The fund shall be administered by the State Treasurer
14 and payments shall be made under warrants issued by the Secretary of State.

15 (b) The fund shall consist of revenues from the following sources:

16 (1) any amounts required to be deposited in the fund under section 2953
17 of this subchapter;

18 (2) all penalties and fines levied for violations of this chapter;

19 (3) forty percent of the amounts paid as annual report fees by domestic
20 corporations under 11A V.S.A. § 1.22(a)(17) and 33 percent of the amounts

1 paid as annual report fees by foreign corporations under 11A V.S.A.

2 § 1.22(a)(16);

3 (4) any gifts received by the fund; and

4 (5) any amounts appropriated to the Vermont campaign fund by act of
5 the General Assembly.

6 (c) All principal and interest remaining in the fund at the close of any fiscal
7 year shall not revert but shall remain in the fund for use in succeeding fiscal
8 years.

9 § 2957. MONETARY AMOUNTS ADJUSTED FOR INFLATION

10 The monetary amounts contained in sections 2953–2955 of this subchapter
11 shall be adjusted for inflation pursuant to the Consumer Price Index as
12 provided in section 2905 of this chapter.

13 Sec. 3. 4 V.S.A. § 1102 is amended to read:

14 § 1102. JUDICIAL BUREAU; JURISDICTION

15 (a) A ~~judicial bureau~~ Judicial Bureau is created within the ~~judicial branch~~
16 Judicial Branch under the supervision of the ~~supreme court~~ Supreme Court.

17 (b) The ~~judicial bureau~~ Judicial Bureau shall have jurisdiction of the
18 following matters:

19 * * *

