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H.739

Introduced by Representatives Pearson of Burlington, Buxton of Tunbridge,  
Cheney of Norwich, Christie of Hartford, Conquest of  
Newbury, Copeland-Hanzas of Bradford, Davis of Washington,  
Deen of Westminster, Donovan of Burlington, Eckhardt of  
Chittenden, Fisher of Lincoln, Haas of Rochester, Johnson of  
South Hero, Koch of Barre Town, Lippert of Hinesburg, Lorber  
of Burlington, Manwaring of Wilmington, McCullough of  
Williston, Moran of Wardsboro, Partridge of Windham, Poirier  
of Barre City, Ram of Burlington, Stevens of Shoreham, Till of  
Jericho, Winters of Williamstown, Wizowaty of Burlington,  
Woodward of Johnson, Wright of Burlington and Young of  
Glover

Referred to Committee on

Date:

Subject: Elections; campaign finance; independent expenditures; reports

Statement of purpose: This bill proposes to define and require reporting of  
independent expenditures in elections.

An act relating to reporting independent expenditures in elections

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

1 Sec. 1. 17 V.S.A. § 2809 is amended to read:

2 § 2809. ACCOUNTABILITY FOR RELATED EXPENDITURES

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

5 (b) A related campaign expenditure made on a candidate's behalf shall be  
6 considered an expenditure by the candidate on whose behalf it was made.

7 However, if the expenditure did not exceed \$50.00, the expenditure shall not  
8 be considered an expenditure by the candidate on whose behalf it was made.

9 (c) For the purposes of this section, a "related campaign expenditure made  
10 on the candidate's behalf" means any expenditure intended to promote the  
11 election of a specific candidate or group of candidates, or the defeat of an  
12 opposing candidate or group of candidates, if intentionally facilitated by,  
13 solicited by or approved by the candidate, the candidate's agent, or the  
14 candidate's political committee.

15 \* \* \*

16 Sec. 2. 17 V.S.A. chapter 59, subchapter 4 is amended to read:

17 Subchapter 4. Political Committees; Political Parties; Single Sources

18 § 2831. CAMPAIGN REPORTS; POLITICAL COMMITTEES AND  
19 PARTIES

20 (a) Each political committee and each political party which has accepted  
21 contributions or made expenditures of \$500.00 or more shall register with the

1 secretary of state stating its full name and address, the name of its treasurer,  
2 and the name of the bank in which it maintains its campaign checking account  
3 within ten days of reaching the \$500.00 threshold.

4 (b) A political committee or political party which has accepted  
5 contributions or made expenditures of \$500.00, or more, for the purpose of  
6 influencing a local election or supporting or opposing one or more candidates  
7 in a local election shall file campaign finance reports ten days before and ten  
8 days after the local election with the clerk of the municipality in which the  
9 election is held and with the secretary of state.

10 (c) ~~Any formal or informal committee of two or more individuals, or a~~  
11 ~~corporation, labor organization, public interest group, or other entity, not~~  
12 ~~including a political party, which makes expenditures of more than \$500.00 in~~  
13 ~~any one calendar year for the purpose of advocating a position on a public~~  
14 ~~question in any election or affecting the outcome of an election on a public~~  
15 ~~question shall file a report of its expenditures 10 days before and 10 days after~~  
16 ~~the election with the clerk of the municipality in which the election is held and~~  
17 ~~with the secretary of state.~~

18 § 2831a. INDEPENDENT EXPENDITURE REPORTS; SINGLE SOURCES

19 (a) Any single source which makes independent expenditures of more than  
20 \$500.00 in any one calendar year for the purpose of influencing a primary or  
21 general election; supporting or opposing one or more candidates in a primary

1 or general election; advocating a position on a public question in any election;  
2 or affecting the outcome of an election on a public question shall file a report  
3 of its expenditures as follows:

4 (1) Within 48 hours of any independent expenditure made more than 90  
5 days before a primary or general election.

6 (2) Within 24 hours of any independent expenditure made 90 or fewer  
7 days before a primary or general election.

8 (b) The single source shall provide the following information:

9 (1)(A) If the single source who made the expenditure is a natural person,  
10 his or her name and town and state of residence;

11 (B) If the single source who made the expenditure is not a natural  
12 person, the single source's name; town and state of residence; and:

13 (i) the name of the natural person who had the authority to make  
14 the expenditures on behalf of the single source; and

15 (ii)(I) in the case of tax-exempt groups organized under Section  
16 501(c) or 527 of the Internal Revenue Code, a listing of the five people or  
17 entities making the largest reportable contributions during the previous 12  
18 months; or

19 (II) in the case of any other single source which has a chief  
20 executive officer or equivalent officer, the name of that officer; and



1        (b) If the electioneering communication was made pursuant to an  
2        independent expenditure, as that term is defined in section 2831a of this  
3        chapter, it shall also contain the following information:

4                (1) the name of the natural person who was authorized to make the  
5        communication and his or her town and state of residence;

6                (2) a statement by that natural person that the communication was made  
7        independent of any candidate or political party; and

8                (3)(A) in the case of tax-exempt groups organized under Section 501(c)  
9        or 527 of the Internal Revenue Code, a listing of the five people or entities  
10       making the largest reportable contributions during the previous 12 months; or

11               (B) in the case of any other single source which has a chief executive  
12       officer or equivalent officer, the name of that officer.

13        (c) The identification requirements of this section shall not apply to lapel  
14        stickers or buttons, nor shall they apply to electioneering communications  
15        made by a single individual acting alone who spends, in a single two-year  
16        general election cycle, a cumulative amount of no more than \$150.00 on those  
17        electioneering communications.

18        (d) The identification requirements of this section shall appear prominently  
19        such that a reasonable person could clearly read or understand them.

1 Sec. 4. 17 V.S.A. § 2893 is amended to read:

2 § 2893. NOTICE OF EXPENDITURE

3 (a) For purposes of this section, “mass media activities” includes television  
4 commercials, radio commercials, mass mailings, literature drops, newspaper  
5 and periodical advertisements, robotic phone calls, and telephone banks which  
6 include the name or likeness of a clearly identified candidate for office.

7 (b) In addition to any other reports required to be filed under this chapter, a  
8 person who makes expenditures for any one mass media activity totaling  
9 \$500.00 or more within ~~30~~ 90 days of a primary or general election shall, for  
10 each activity, file a mass media report with the secretary of state and send a  
11 copy of the mass media report to each candidate whose name or likeness is  
12 included in the activity within 24 hours of the expenditure or activity,  
13 whichever occurs first. For the purposes of this section, a person shall be  
14 treated as having made an expenditure if the person has executed a contract to  
15 make the expenditure. The report shall identify the person who made the  
16 expenditure with the name of the candidate involved in the activity and any  
17 other information relating to the expenditure that is required to be disclosed  
18 under the provisions of subsections 2803(a) and (b) and section 2892 of this  
19 ~~title~~ chapter.

20 Sec. 5. EFFECTIVE DATE

21 This act shall take effect on passage.