

1 S.220

2 Introduced by Senator Baruth

3 Referred to Committee on Government Operations

4 Date: January 5, 2016

5 Subject: Elections; campaign finance; public financing option

6 Statement of purpose of bill as introduced: This bill proposes to amend
7 statutes relating to the public financing of campaigns by:

8 (1) extending the period by which a person seeking public financing
9 may officially become a candidate;

10 (2) explicitly permitting a political party to solicit qualifying
11 contributions on behalf of a candidate seeking public financing; and

12 (3) allowing a political party to make expenditures supporting a publicly
13 financed candidate, so long as the party and the candidate do not coordinate on
14 those expenditures.

15 An act relating to the public financing of campaigns

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

17 ~~Sec. 1. 17 V.S.A. § 2983 is amended to read:~~

18 § 2983. VERMONT CAMPAIGN FINANCE GRANTS; CONDITIONS

19 (a) A person shall not be eligible for Vermont campaign finance grants if,
20 ~~prior to February 15 of the general election year during any two year general~~

1 ~~election cycle January 1 of the odd numbered year preceding the general~~
2 election, he or she becomes a candidate by announcing that he or she seeks an
3 elected position as Governor or Lieutenant Governor or by accepting
4 contributions totaling \$2,000.00 or more or by making expenditures totaling
5 \$2,000.00 or more.

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

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

12 (B) Notwithstanding the provisions of subdivision 2944(c)(1) of this
13 chapter, an expenditure described in that subdivision that is made by a political
14 party that is associated with the candidate shall not be presumed to be a related
15 expenditure made on behalf of the candidate if it is not intentionally facilitated
16 by, solicited by, or approved by the candidate or the candidate's committee.

17 (2) ~~deposit~~ Deposit all qualifying contributions, Vermont campaign
18 finance grants, and any contributions accepted in accordance with the
19 provisions of section 2985 of this chapter in a federally insured
20 noninterest-bearing checking account; ~~and~~.

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

5 Sec. 2. 17 V.S.A. § 2984 is amended to read:

6 § 2984. QUALIFYING CONTRIBUTIONS

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

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

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

17 (b) A candidate shall not accept more than one qualifying contribution
18 from the same contributor and a contributor shall not make more than one
19 qualifying contribution to the same candidate in any Vermont campaign
20 finance qualification period. For the purpose of this section, a qualified
21 individual contributor means an individual who is registered to vote in

1 ~~Vermont. No more than 25 percent of the total number of qualified individual~~
2 contributors may be residents of the same county.

3 (c) Each qualifying contribution shall indicate the name and town of
4 residence of the contributor and the date accepted and be acknowledged by the
5 signature of the contributor.

6 (d) A candidate may retain and expend qualifying contributions obtained
7 under this section. A candidate may expend the qualifying contributions for
8 the purpose of obtaining additional qualifying contributions and may expend
9 the remaining qualifying contributions during the primary and general election
10 periods. Amounts expended under this subsection shall be considered
11 expenditures for purposes of this chapter.

12 (e) Nothing in this section shall be construed to prohibit a political party
13 from soliciting qualifying contributions on behalf of a candidate.

14 Sec. 3. EFFECTIVE DATE

15 ~~This act shall take effect on passage.~~

~~Sec. 1. 17 V.S.A. § 2981 is amended to read:~~

~~§ 2981. DEFINITIONS~~

~~As used in this subchapter:~~

~~* * *~~

~~(4) "Vermont campaign finance qualification period" means one of the
period beginning February 15 of each even numbered year and ending on the
date on which primary petitions must be filed under section 2356 of this title
following periods within which a candidate who intends to seek Vermont
campaign finance grants shall be required to obtain qualifying contributions,
as chosen by the candidate.~~

~~(A) The period beginning October 1 of the odd-numbered year and ending on January 15 of the even-numbered year.~~

~~(B) The period beginning November 1 of the odd-numbered year and ending on February 15 of the even-numbered year.~~

~~(C) The period beginning December 1 of the odd-numbered year and ending on March 15 of the even-numbered year.~~

~~(D) The period beginning January 1 of the even-numbered year and ending on April 15 of the even-numbered year.~~

~~(E) The period beginning February 1 of the even-numbered year and ending on May 15 of the even-numbered year.~~

Sec. 1. 17 V.S.A. § 2981 is amended to read:

§ 2981. DEFINITIONS

As used in this subchapter:

* * *

(4) “Vermont campaign finance qualification period” means one of the following periods within which a candidate who intends to seek Vermont campaign finance grants shall be required to obtain qualifying contributions, as chosen by the candidate:

(A) ~~the~~ The period beginning on or after February 15 of each even-numbered year and ending on the date on which primary petitions must be filed under section 2356 of this title.

(B) A period beginning on or after the date that another candidate for the office files the declaration set forth in subsection 2967(b) of this title and ending no later than 100 days after the beginning of that period or the date on which primary petitions must be filed under section 2356 of this title, whichever occurs first. Notwithstanding the provisions of this subdivision (B) to the contrary, a period shall not begin more than one year prior to the upcoming general election.

Sec. 2. 17 V.S.A. § 2982 is amended to read:

§ 2982. FILING OF VERMONT CAMPAIGN FINANCE DECLARATION AND AFFIDAVIT

(a) A candidate for the office of Governor or Lieutenant Governor who intends to seek Vermont campaign finance grants from the Secretary of State Services Fund shall file:

(1) a declaration of his or her chosen Vermont campaign finance qualification period on or before the date on which that chosen period begins; and

(2) a Vermont campaign finance affidavit on or before the date on or before which primary petitions must be filed, whether the candidate seeks to enter a party primary or is an independent candidate which his or her chosen Vermont campaign finance qualification period ends.

(b) The Secretary of State shall prepare ~~a~~ the Vermont campaign finance declaration and affidavit forms described in this section, informational materials on procedures and financial requirements, and notification of the penalties for violation of this subchapter.

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

* * *

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

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Sec. 3. 17 V.S.A. § 2983 is amended to read:

§ 2983. VERMONT CAMPAIGN FINANCE GRANTS; CONDITIONS

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

(1) prior to February 15 of the general election year during any two-year general election cycle his or her chosen Vermont campaign finance qualification period, he or she becomes a candidate by announcing that he or she seeks an elected position as Governor or Lieutenant Governor or by accepting contributions totaling \$2,000.00 or more or by making expenditures totaling \$2,000.00 or more; or

(2) except for the contributions permitted under subdivision (1) of this subsection, prior to accepting any Vermont campaign finance grant, he or she solicits or accepts any contributions, other than qualifying contributions.

* * *

Sec. 4. 17 V.S.A. § 2984 is amended to read:

§ 2984. QUALIFYING CONTRIBUTIONS

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

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

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

** * **

Sec. 4a. 17 V.S.A. § 2967 is amended to read:

*§ 2967. ADDITIONAL CAMPAIGN REPORTS; CANDIDATES FOR
STATE OFFICE AND THE GENERAL ASSEMBLY*

(a)(1) In addition to any other reports required to be filed under this chapter, a candidate for State office or for the General Assembly who accepts a monetary contribution in an amount over \$2,000.00 within 10 days of a primary or general election shall report the contribution to the Secretary of State within 24 hours of receiving the contribution.

~~(b)(2)~~ A report required by this section shall include the following information:

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

~~(2)~~(B) the amount contributed or loaned by the candidate to his or her own campaign.

(b) In addition to any other reports required to be filed under this chapter, a candidate for the office of Governor or Lieutenant Governor who, prior to February 15 of the even-numbered year, has accepted contributions totaling \$2,000.00 or more or who has made expenditures totaling \$2,000.00 or more shall file with the Secretary of State a declaration that he or she has accepted those contributions or made those expenditures. The Secretary shall prepare the declaration to be used for this purpose.

Sec. 5. EFFECTIVE DATE

This act shall take effect on January 1, 2017.