



Guide to Vermont's Campaign Finance Law

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**2015-2016 Elections
(2016 Statewide,
2015 and 2016 Local Elections)**

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REPORTING ENTITIES

CANDIDATES FOR STATEWIDE, LEGISLATIVE, AND COUNTY OFFICE who spend OR raise \$500 more in an election cycle must register and file campaign finance reports with the Secretary of State on the filing deadlines detailed below. **Candidates who roll over a surplus from a previous campaign must file a report for each reporting period in the new cycle regardless of whether they have had any activity in their account.** A final report may be filed at any time, but no later than December 15 of the election year.

CANDIDATES FOR LOCAL OFFICE (selectboard, city council, mayor, school board, etc.) who spend OR raise \$500 or more since the last local election for that office file campaign finance reports with the the Secretary of State.

POLITICAL ACTION COMMITTEES (PACs) that spend AND raise \$1000 or more in any two-year general election cycle must register and file campaign finance disclosure reports with the Secretary of State on the filing deadlines detailed below. In addition, any PAC that raises AND spends \$1,000 or more to influence a local election must register and with the Secretary of State and file campaign finance reports. A final report may be filed at any time to close the PAC. An “end of cycle report” is due December 15th of election years.

POLITICAL PARTIES organized under chapter 45 of Title 17 of the Vermont Statutes Annotated that spend OR raise \$1,000 or more in any election cycle must register and file campaign finance reports with the Secretary of State on the filing deadlines detailed below. A final report may be filed at any time to close the party. An “end of cycle report” is due December 15th of election years.

WHERE TO REGISTER AND REPORT

- All campaign finance filings must be submitted online at the following address:

www.campaignfinance.sec.state.vt.us

- Register an entity using an e-mail address
- Activate account by clicking on the link in the e-mail that is sent to you
- Transactions (Contributions and Expenditures) can be entered and tracked during the reporting period

OTHER REPORTS

In addition to the regular campaign finance disclosure reports, the following reports may be required:

Any candidate for statewide office that accepts a contribution over \$2,000 within 10 days of an election must report that contribution to the Secretary of State within 24 hours. 17 V.S.A. § 2967

Any person who makes expenditures for any one mass media activity totaling \$500 or more within 45 days of a primary, general, or local election - including candidates, PACs, political parties and corporations - files a Mass Media Report with the Secretary of State within 24 hours of the expenditures, activity or executing a contract for the activity whichever occurs first. A copy of the report shall also be sent to any candidate whose name or likeness was included in the activity without that candidate’s knowledge. 17 V.S.A. § 2971

Any entity or formal or informal committee of two or more individuals (except a political party) that spends \$1,000 or more in an election cycle for the purpose of advocating a position on a public question must file a report of its expenditures 30 days before, 10 days before, and two weeks after the election. 17 V.S.A. § 2970

REPORTING DEADLINES

******ALL REPORTS ARE DUE ON THE DATE STATED******

The statute has changed: If a reporting deadline falls on a weekend or a holiday, the report must be filed by that date.

Local Election Cycles (selectboard, city council, school board, mayor, etc)

Reports are due: 30 days before the election, 10 days before the election, two weeks after the election, and a final report (which must be filed anytime within 40 days of the election)

Statewide Election Cycles (statewide candidates, House and Senate candidates, county candidates)

Reports are due: July 15 in an off election year; March 15, July 15, August 15, September 1, October 1, October 15, the Friday before the election, two weeks after the election, and December 15.

OVERVIEW OF CONTRIBUTION LIMITS

CONTRIBUTION LIMITS TO LOCAL CANDIDATES

- \$1,000 per election cycle from a single source or PAC
- Unlimited contributions from political parties

CONTRIBUTION LIMITS TO STATE REPRESENTATIVE CANDIDATES

- \$1,000 per election cycle from a single source or PAC
- Unlimited contributions from political parties

CONTRIBUTION LIMITS TO STATE SENATE AND COUNTY OFFICE CANDIDATES

- \$1,500 per election cycle from a single source or PAC
- Unlimited contributions from political parties

CONTRIBUTION LIMITS TO STATEWIDE CANDIDATES

- \$4,000 per election cycle from a single source or PAC
- Unlimited contributions from political parties

CONTRIBUTION LIMITS TO POLITICAL COMMITTEES (PACS)

- \$4,000 per election cycle from a single source or PAC
- \$4,000 per election cycle from a political party

CONTRIBUTION LIMITS TO POLITICAL PARTIES

- \$10,000 per election cycle from a single source or PAC
- \$60,000 from a political party

****PLEASE NOTE**** - the campaign finance law no longer contains an exception to these limits for family members of a candidate. A candidate may still donate unlimited amounts to his or her own campaign, but contributions from family members must adhere to the limits described above. See 17 V.S.A. § 2947.

TWO-YEAR GENERAL ELECTION CYCLE:

A two year general election cycle begins 38 days after the general election and continues for 24 months (applies to offices with two year terms).

FOUR-YEAR GENERAL ELECTION CYCLE:

A four year general election cycle begins 38 days after the general election and continues for 48 months (applies to offices with a four year term).

CONTRIBUTIONS OVER \$100.00 BY CHECK OR ELECTRONIC TRANSFER:

All contributions in excess of \$100.00 must be made by check, credit card, debit card or other electronic transfer. This provision applies only to monetary contributions, not in-kind gifts. Candidates are strongly advised to obtain the name and address of all contributors (even those contributions under \$100) for purposes of tracking an individual's total contributions to your campaign over time such that the limitations on contributions are not exceeded.

NO SPENDING LIMITS:

There are no spending limits for any candidates, PACs, or parties in Vermont since the U.S. Supreme Court's decision in *Randall v. Sorrell*, 548 U.S. 230 (2006).

CONTRIBUTION DEFINED:

Contribution means "a payment, distribution, advance, deposit, loan or gift of money or anything of value, paid or promised to be paid for the purpose of influencing an election, advocating a position on a public question, or supporting or opposing one or more candidates in any election."

For the purpose of the campaign finance law, contribution does not include a personal loan from a lending institution and please see other exceptions to the definition of "contribution" contained in 17 V.S.A. § 2901(4).

VOLUNTEER SERVICE NOT INCLUDED:

Contribution does not include services provided without compensation by individuals volunteering their time on behalf of a candidate, PAC or political party.

ONLY DIRECT CONTRIBUTIONS:

A candidate may not accept a contribution that was transferred to the contributor by another person for the purpose of circumventing the contribution limits. A single source cannot give money to a political party or a PAC directing that the contribution be then given to a particular candidate.

IN-KIND CONTRIBUTIONS:

In-kind contributions are gifts of "anything of value" given to a candidate, PAC or political party for the purpose of influencing an election. In-kind contributions – such as donations of a computer, tee shirts, or space for a campaign office – must be reasonably valued, usually either fair market value or cost to the donor. The requirement that contributions over \$100 be made by check, credit or debit card does not apply to in-kind contributions; however, all other statutes regarding contributions – including contribution limits – do apply.

FOREIGN NATIONALS:

Federal law prohibits the acceptance of campaign contributions from foreign nationals, except when they are lawful permanent residents of the United States. This provision also applies to PACs and parties. 2 U.S.C. §§441e, 441f & 11 CFR 110.20

SURPLUS CAMPAIGN FUNDS:

No entity may convert surplus campaign funds to personal use. Surplus funds may be donated to another candidate, PAC or political party subject to the relevant contribution limits; to a charity; to the Secretary of State Services Fund; or carried over to the next election cycle for a new campaign.

When filing their “final report”, candidates, PACs and parties must indicate the amount of surplus and how it is to be liquidated or, in the case of a candidate, if the surplus is being rolled over into a campaign account for the next election cycle. All candidates who roll over any amount of surplus into a campaign account for the next election cycle must continue to file campaign finance disclosure reports on all applicable deadlines, regardless of whether they have had any new activity in the account during the new election cycle. A candidate who rolls over surplus into an account for the next election cycle only needs to file a new registration with the Secretary of State if there has been a change in the bank account or the treasurer that that candidate will be using for the current election cycle.

A PAC must continue to file disclosure reports on all relevant deadlines until it has filed a final report indicating liquidation of any surplus.

EXPENDITURE DEFINED:

Expenditure means “a payment, disbursement, distribution, advance, deposit, loan or gift of money or anything of value, paid or promised to be paid, for the purpose of influencing an election, advocating a position on a public question, or supporting or opposing one or more candidates.” 17 V.S.A. § 2901(7). This means an expenditure must be reported when promised to be paid, when paid, or whenever goods or services are delivered – whichever comes first.

SINGLE SOURCES:

A single source in Vermont is defined as “an individual, partnership, corporation, association, labor organization or any other organization or group of persons which is not a political committee or political party.” 17 V.S.A. §2901(16). Each single source contributes directly to a candidate and money cannot be transferred from one source to another for the purpose of circumventing the contribution limits.

UNIONS:

If a labor organization spends money from its general member dues to make contributions to a Vermont candidate, political party or PAC, then the labor organization is considered a single source. The labor organization does not file disclosure reports.

However, if a labor organization spends money from member contributions (i.e. paycheck “checkoffs”) to make contributions to a Vermont candidate, PAC, or political party, and both raises and spends more than \$1,000 in any two-year general election cycle for purposes of supporting or opposing Vermont candidates or influencing an election in Vermont, then the labor organization is considered a PAC under Vermont law.

CORPORATIONS, PARTNERSHIPS AND ASSOCIATIONS:

Any corporation, partnership or association that raises and spends more than \$1,000 in a two-year general election cycle for purposes of supporting or opposing Vermont candidates or influencing an election in Vermont is considered a PAC under Vermont law and must comply with Vermont law on contribution limits and disclosure.

If a corporation, partnership or association that is not a PAC under Vermont law spends money from its profits or general revenue to contribute money to Vermont candidates, political parties or PACs, then the corporation, partnership or association making the contribution is considered a single source and does not have to file campaign finance disclosure reports.

FUNDRAISERS – AUCTIONS AND RAFFLES:

When an auction is used for fundraising, be sure that the person you use as an auctioneer is licensed with the Vermont Secretary of State's Office of Professional Regulation; there is no charitable exception in this case. Disclosure of the funds raised depends on the arrangement. If people have donated goods or services for the auction, these are reportable in-kind contributions and are subject to the applicable contribution limits. If the goods were purchased by the campaign, the money received would amount to a contribution in an amount over and above the fair market value of the goods. The cost of the goods bought by the campaign in this case would count as an expense to the campaign.

Political parties may use a raffle to fundraise, as there is an exception to the general rules prohibiting gambling in 13 V.S.A. §2143a.

FUNDRAISERS – DONATED GOODS AND SERVICES:

If goods or services are donated as in-kind contributions for a fundraiser, then the fair market value of the goods or services is a contribution by the person or entity donating the goods or services. When the donated goods or services are purchased, then the difference between the fair market value and the purchase price is considered a donation by the person or entity making the purchase.

For example, if a fundraising dinner charges \$50 a plate and the caterer has donated the meals at the fair market value of \$20 per plate, then the caterer is making a \$20 contribution and the person purchasing the \$50 ticket is making a \$30 contribution. However, if the caterer is not donating the cost of the meal, then the campaign has made a \$20 expenditure per plate; the person purchasing the ticket to the dinner is still making a \$30 contribution.

LOANS TO A CAMPAIGN:

Personal loans to a candidate, PAC, or party are considered contributions. As a loan is repaid, the amount that the creditor has contributed to the campaign, for purposes of enforcing the contribution limits, is reduced accordingly. As such, a loan that is not repaid will be subject to the limitations on contributions from a single source. There are two exceptions to this rule. A personal loan from a lending institution is not considered a contribution if not repaid, and is therefore not subject to contribution limits. Also, loans from the candidate him or herself are considered contributions if not repaid, but are not subject to contribution limits. Under changes to the law, loans from family members that are not repaid will be subject to the limits.

CANDIDATES NOT REACHING REPORTING THRESHOLD:

Any candidate for State office, General Assembly, or county office that does not spend or raise \$500 or more in a campaign must file with the Secretary of State within 10 days of the election stating that the candidate did not reach the reporting threshold for campaign finance reports.

Local candidates who do not reach the reporting threshold are NOT required to file any reports.

ADVERTISEMENTS AND MEDIA ACTIVITY

ELECTIONEERING COMMUNICATION:

“Any communication that refers to a clearly identified candidate for office and that promotes or supports a candidate for that office or attacks or opposes a candidate for that office, regardless of whether the communication expressly advocates a vote for or against a candidate, including communications published in any newspaper or periodical or broadcast on radio or television or over the Internet or any public address system; placed on any billboards, outdoor facilities, buttons, or printed material attached to motor vehicles, window displays, posters, cards, pamphlets, leaflets, flyers, or other circulars; or contained in any direct mailing, robotic phone calls, or mass e-mails.” 17 V.S.A. §2901(6).

IDENTIFYING SPONSORS OF ELECTIONEERING COMMUNICATIONS (POLITICAL ADVERTISEMENTS):

All electioneering communications must contain the name and mailing address of the person, candidate, PAC, or party that paid for the communication. The name and address shall appear prominently and in a manner such that a reasonable person would clearly understand by whom the expenditure has been made. 17 V.S.A. §2972(a)

If the communication was paid for by a person acting on behalf of another person, candidate, PAC, or party it shall clearly designate the name and address of the person, candidate, PAC, or party on whose behalf the communication was made.

In addition to the standard identification requirements described above, an electioneering communication paid for by or on behalf of a PAC or political party shall contain the name of any contributor who contributed more than 25 percent of all contributions and more than \$2,000.00 to that PAC or party since the beginning of the two-year general election cycle in which the electioneering communication was made to the date on which the expenditure for the electioneering communication was made. 17 V.S.A. §2972(c)

EXCEPTIONS TO IDENTIFYING SPONSORS OF ELECTIONEERING COMMUNICATION:

The provisions regarding identification do not apply to buttons, lapel stickers, or electioneering communications made by a single individual acting alone who spends no more than \$150 on such communications within the two-year general election cycle. Furthermore, this provision does not apply to advertisements that focus solely on issues and that do not both clearly identify a candidate for office and promote, support, attack or oppose a candidate for that office.

MASS MEDIA ACTIVITY:

“A television commercial, radio commercial, mass mailing, mass electronic or digital communication, literature drop, newspaper or periodical advertisement, robotic phone call, or telephone bank, which includes the name or likeness of a clearly identified candidate for office.” 17 V.S.A. §2901(11)

MASS MEDIA REPORTING REQUIREMENTS:

Any person who spends a total of \$500 or more for mass media activities in support of a clearly identified candidate within 45 days of a primary or general election must report these expenditures to the Secretary of State and to any candidate whose name or likeness was included without the candidate’s knowledge, within 24 hours of the expenditure activity or execution of contract for the activity. 17 V.S.A. §2971. If the amount of the expenditure is unknown, entities are encouraged to file a Mass Media Report with an estimated cost, which can be updated once the expense is known.

IDENTIFICATION REQUIREMENTS FOR RADIO, TV, OR INTERNET COMMUNICATIONS:

A person, candidate, PAC, or political party that transmits a communication through radio, TV, or online video, must include an **audio statement** of the name and title of the person who paid for the communication. 17 V.S.A. §2973

CANDIDATE BASICS

BECOMING A CANDIDATE:

A person becomes a candidate by:

- Accepting contributions or making expenditures of \$500 or more during an election cycle, or
- Filing the requisite petition for nomination or being nominated by primary, party caucus or party committee, or
- Announcing that he or she seeks an elected position as a state, county or local officer or a position as representative or senator in the general assembly. 17 V.S.A. § 2901(1).

LEGISLATORS AND ADMINISTRATIVE OFFICIALS MAY NOT SOLICIT FROM LOBBYISTS, LOBBYIST EMPLOYERS, OR LOBBYING FIRMS DURING THE LEGISLATIVE SESSION:

A legislator or administrative official may not solicit political campaign contributions from a registered lobbyist, lobbying firm or registered lobbyist employer until final adjournment of the legislature – adjournment sine die, which is at the end of the second or adjourned session in the even-numbered year.

A legislator may not accept a political contribution – even if unsolicited – from a registered lobbyist, lobbying firm or registered lobbyist employer until adjournment sine die. While an administrative official can accept unsolicited political contributions before adjournment sine die, it is recommended that candidates who are administrative officials proceed cautiously. 2 V.S.A. §266(3)

It is also important to remember that conduct prohibited by 2 V.S.A. §266(3) specifically pertains to registered lobbyists, registered lobbyist employers and lobbying firms engaged by an employer. It is the opinion of the Office of the Vermont Secretary of State that a “registered lobbyist employer” does not include individuals who are members of a trade association unless the individual is a registered lobbyist.

CANDIDATES FOR FEDERAL OFFICE:

Candidates for U.S. President and Vice President, U.S. Senator, U.S. Representative and federal political committees (PACs) making contributions exclusively to federal candidates do not need to file campaign finance reports under Vermont’s campaign finance law since they are governed by federal law. For more information on federal campaign finance laws, contact the Federal Election Commission, 999 E Street, Washington, DC, 20463, (800) 424-9530, www.fec.gov.

UNLIMITED CONTRIBUTIONS FROM SELF:

A candidate may contribute or loan an unlimited amount to his or her campaign. 17 V.S.A. § 2947. Although the amount of contributions from a candidate are unlimited, these contributions must be reported in campaign finance disclosure reports. This includes money that a candidate spends for mileage or gas when campaigning. Contributions from family members of a candidate must adhere to the relevant limits.

TREASURERS:

A candidate’s treasurer may be anyone selected by the candidate, including the candidate’s spouse or the candidate him or herself.

CANDIDATES SPENDING LESS THAN \$500:

All candidates for statewide office or general assembly (state senate and state representative) who receive and spend less than \$500 must file a campaign finance statement 10 days after the general election stating that the candidate did not roll over any surplus from a previous election cycle and that their contributions and expenditures did not exceed \$500.

MONETARY CONTRIBUTIONS OVER \$2,000 WITHIN 10 DAYS OF AN ELECTION:

Candidates for statewide office who receive a monetary contribution over \$2,000 within 10 days of a primary or general election must report the contribution to the Vermont Secretary of State within 24 hours of receiving the contribution. This is in addition to including the contribution on the next scheduled campaign finance disclosure report. 17 V.S.A. §2967

COUNTY CAMPAIGN FINANCE REPORTING:

County office (probate judge, assistant judge, state’s attorney, sheriff, high bailiff) candidates who have spent or raised \$500 or more during the election cycle must file campaign finance disclosure forms with the Vermont Secretary of State on March 15, July 15, August 15, September 1, October 1, October 15, the Friday before the election, and two weeks after the general election. **After the general election, County candidates must report each July 15 in the non-election years.**

LOCAL ELECTIONS – CANDIDATES:

Candidates for local office that spend or receive \$500 or more must register with the Secretary of State 30 days before, 10 days before, and 2 weeks after the local election, and must file a final report no later than 40 days after the election.

PUBLIC QUESTION REPORTING REQUIREMENTS

PUBLIC QUESTIONS:

A public question is an issue presented to the voters for binding decision. Examples include constitutional amendments, bond votes, budget votes, and any other binding question presented on a local ballot.

Any group of two or more individuals, or a corporation, labor organization, public interest group or other entity – excluding a political party – that spends \$1,000 or more in a local election cycle to influence a position on a public question must file a report of its expenditures with the Secretary of State 30 days before the election, 10 days before, and 2 weeks after the local election.

NO CONTRIBUTION OR EXPENDITURE LIMITS FOR PUBLIC QUESTIONS:

There are no limits on contributions or spending for the purpose of advocating a position on a public question, including a constitutional amendment. The name and address of the person or entity paying for electioneering communication pertaining to a public question do not need to be included if the communication only addresses a public question.

POLITICAL ACTION COMMITTEE (PAC) & POLITICAL PARTY BASICS

Under Vermont law, a political action committee (PAC) is “any formal or informal committee of two or more individuals or a corporation, labor organization, public interest group, or other entity, not including a political party, which accepts contributions of \$1,000.00 or more and makes expenditures of \$1,000.00 or more in any two-year general election cycle for the purpose of supporting or opposing one or more candidates, influencing an election, or advocating a position on a public question in any election, and includes an independent expenditure-only political committee and a legislative leadership political committee.” 17 V.S.A. §2901(13).

Any PAC that raises \$1,000 or more and spends \$1,000 or more within any two-year general election cycle must register with the Secretary of State and file all regularly required disclosure reports.

Vermont law requires that entities meeting the definition of a PAC under 17 V.S.A. §2901(13), except independent expenditure-only PACs, comply with all of Vermont’s contribution limits. This includes both the limits on contributions to PACs and contributions by PACs.

CAMPAIGN FINANCE REPORTS FOR PACS AND PARTIES:

PACs and Parties must file campaign finance reports under the schedule laid out above. The December 15th report is an “end of cycle report”. If a PAC or Party does not file a final report on or before December 15, then they must file an “end of cycle report” that lists a complete accounting of all contributions and expenditures since the last report. 17 V.S.A. § 2965(b).

INDEPENDENT EXPENDITURE-ONLY PACS:

Vermont law defines an Independent Expenditure-only PAC as “a political committee that conducts its activities entirely independent of candidates; does not give contributions to candidates, political committees, or political parties; does not make related expenditures; and is not closely related to a political party or to a political committee that makes contributions to candidates or makes related expenditures.” 17 V.S.A. §2901(10)

Although the contribution limits do not apply to Independent Expenditure-only PACs, these PACs must register with the Secretary of State within 10 days of reaching the threshold and must file all regularly required disclosure reports.

INDEPENDENT EXPENDITURE-ONLY PACS MASS MEDIA REPORTING:

“IE-only” PACs are required to file the standard Mass Media reports for any Mass Media expenditures totaling \$500.00 or more made within 45 days of an election.

In addition, for any Mass Media expenditure made within 45 days of an election by an “IE-only PAC” that totals \$5,000 or more, the “IE-only” PAC must file a Mass Media Report that includes all of the standard information required on those reports, as well as the names of the contributors, dates, and amounts for all contributions in excess of \$100.00 accepted since the filing of the PAC’s last disclosure report. 17 V.S.A. §2971(d)(1)

FEDERAL AND OUT-OF-STATE PACS OR POLITICAL PARTIES:

Any PAC or political party that accepts contributions of \$1,000.00 or more and makes expenditures of \$1,000.00 or more in any two-year general election cycle must register with the Secretary of State, regardless of where the treasurer or principal place of business of the PAC or party is located. A PAC or political party with a principal place of business outside of Vermont or whose treasurer is not located in Vermont must file a statement with the Secretary of State designating a person who resides in the state as the representative for the PAC. **Federal PACs no longer have the option of filing that portion of their FEC report that reflects their activ-**

ity in Vermont. Since Vermont law limits contributions to political committees (PACs) to \$4,000 or less in a two-year general election cycle, any political committee (PAC) that receives contributions greater than \$4,000 is prohibited from making expenditures related to Vermont election campaigns unless it segregates compliant contributions for use in Vermont.

LOCAL ELECTIONS – PACS AND PARTIES: Any PAC or any political party that has accepted contributions and made expenditures of \$1,000 or more for the purpose of influencing a local election or supporting or opposing one or more candidates in a local election must also file campaign finance reports with the Vermont Secretary of State 30 days before the election, 10 days before and 2 weeks after the local election.

LEGISLATIVE LEADERSHIP POLITICAL ACTION COMMITTEE- A legislative leadership PAC may not accept a political contribution – even if unsolicited – from a registered lobbyist, lobbying firm or registered lobbyist employer until adjournment sine die. A legislative leadership PAC means a political committee established by or on behalf of a political party caucus within a chamber of the General Assembly. A legislative leadership PAC must register as such when registering with the Secretary of State for campaign finance purposes.

RELATED EXPENDITURES

A related campaign expenditure is any “expenditure intended to promote the election of a specific candidate or group of candidates or the defeat of an opposing candidate or group of candidates if intentionally facilitated by, solicited by, or approved by the candidate or the candidate’s committee. 17 V.S.A. §2944. Also see Administrative Rule 2000-1, Vermont Campaign Finance Law Regulation of Related Expenses which is included as Appendix H in this publication.

Related expenditures made on a candidate’s behalf are considered a contribution to the candidate on whose behalf they are made. As such, a related expenditure will be counted toward the contribution limit to that candidate and is subject to the law’s limits on contributions.

PACs and political parties must report related expenditures as contributions to candidates on their list of expenditures. Candidates must report related expenditures as contributions received by the candidate.

Please see 17 V.S.A. §2944 for detailed information on related expenditures, how they are valued, and exceptions thereto.

PENALTIES AND ENFORCEMENT

The Vermont Attorney General and the state’s attorneys are given specific civil investigation authority if they have reason to believe any person has violated any provision of the campaign finance law. 17 V.S.A. §2904

A person who knowingly and intentionally violates a provision of sections 2921-2973 of Title 17 of the Vermont Statutes Annotated (related to filing campaign finance reports) will be fined not more than \$1,000 or imprisoned not more than six months or both. 17 V.S.A. 2903(a)

A person who violates any provision of the campaign finance law will be subject to a civil penalty of up to \$10,000 for each violation (and, if using public financing, must refund an amount equivalent to any contributions or expenditures that violated the conditions of the Vermont campaign finance grant. 17 V.S.A. 2903(b))

PUBLIC FINANCING

Public financing is available to candidates for governor or lieutenant governor only. 17 V.S.A. §2982(a)

To qualify for public financing, a candidate for governor or lieutenant governor must collect qualifying contributions during the period between February 15 and the fourth Thursday after the first Monday in May (the date on which primary petitions are due) of the general election year in which the candidate seeks public financing.

QUALIFYING CONTRIBUTIONS:

- Qualifying contributions must be from a qualified individual contributor – a person registered to vote in Vermont.
- Only one qualifying contribution is allowed from the same contributor in the qualification period.
- No more than 25 percent of the total number of qualified contributors may be residents of the same county.
- Each qualifying contribution must indicate the name and town of residence of the contributor, date received, and must be acknowledged by the signature of the contributor.
- Qualifying contributions must be deposited in a federally insured noninterest bearing checking account.

AMOUNT OF QUALIFYING CONTRIBUTIONS REQUIRED:

For governor – a total amount of no less than \$35,000 collected from no fewer than 1,500 qualified individual contributors making a contribution of no more than \$50 each.

For Lieutenant Governor – a total amount of no less than \$17,500 collected from no fewer than 750 qualified individual contributors making a contribution of no more than \$50 each.

A candidate may expend the qualifying contributions for the purpose of obtaining additional qualifying contributions, and may expend the remaining qualifying contributions during the primary and general election periods.

DISQUALIFICATIONS FROM PUBLIC FINANCING:

A candidate is not eligible for public financing if he or she:

- Accepts contributions totaling \$2,000 or more or spends \$2,000 or more before February 15 of the general election year in which the candidate seeks public financing.
- Announces that he or she seeks an elected position as governor or lieutenant governor before February 15 of the general election year in which the candidate seeks public financing.
- Is running in an uncontested general election.

A candidate who accepts public financing shall not solicit, accept or spend any contributions except qualifying contributions and Vermont campaign finance grants, unless there is a shortfall in the Vermont campaign fund.

A candidate who loses a primary election but remains eligible to run for office will not be eligible for a general election grant.

PUBLIC FINANCE GRANT PERIODS:

The primary election period begins the day after primary petitions must be filed (the fourth Thursday after the first Monday in May) and ends the day of the primary election (second Tuesday in August).

The general election period begins the day after the primary election and ends the day of the general election.

PUBLIC FINANCE GRANT AMOUNTS:

Candidates for governor -	\$150,000 for the primary election period. \$450,000 for the general election period
Candidates for lieutenant governor -	\$50,000 for the primary election period \$150,000 for the general election period

Public finance grants for the primary election period will be paid to qualifying candidates within the first ten business days of the primary election period and public finance grants for the general election period will be paid to qualifying candidates within the first ten business days of the general election period.

Public finance grants for the primary election period will be reduced by the amount of the qualifying contributions received.

REMAINDER OF PUBLIC FINANCE GRANTS:

Not later than 40 days after the general election, and after all permissible expenditures have been paid, a qualifying candidate who has accepted public finance grants must deposit the balance of his or her campaign account in the Secretary of State Services Fund.

APPENDIX A

ADMINISTRATIVE RULE 2000-1: VERMONT CAMPAIGN FINANCE LAW REGULATION OF RELATED EXPENSES

1. Pursuant to the rulemaking authority given to the Secretary of State in 17 V.S.A. § 2809(f), the following rules are necessary for the proper administration of provisions of section 2809.
2. For purposes of section 2809(c), which states “for the purposes of this section, a related campaign expenditure made on the candidate’s behalf means any expenditure intended to promote the election of a specific candidate or group of candidates, or the defeat of an opposing candidate or group of candidates, if intentionally facilitated by, solicited by or approved by the candidate or the candidate’s political committee:”
 - a) A campaign expenditure may be a “related campaign expenditure” even if the candidate or the candidate’s political committee did not have a specific intent to make an activity or expense a “related campaign expenditure on a candidate’s behalf.” However, some knowledge of the fact, or willful blindness toward the fact that the action will be used in connection with an activity or expenditure on the candidate’s behalf is necessary.
 - b) “Intentionally facilitated” means for a candidate or the candidate’s political committee to consciously, and not accidentally, have done an action to make the activity or expenditure possible.
 - c) “Solicited” means for the candidate or the candidate’s political committee to appeal or ask directly or by an intermediary or by any other means, procure the activity.
 - d) “Approved” means for the candidate or the candidate’s political committee to have consciously, and not accidentally, taken any prior action or inaction that indicates permission or approval. Simply knowing that an activity or expenditure is taking place does not, alone, constitute approval.
3. For purposes of section 2809(d) which states, in pertinent part, that “an expenditure made by a political party or by a political committee that recruits or endorses candidates, that primarily benefits six or fewer candidates who are associated with the political party or political committee making the expenditure, is presumed to be a related expenditure made on behalf of those candidates. As expenditure made by a political party or by a political committee that recruits or endorses candidates, that substantially benefits more than six candidates and facilitates party or political committee functions, voter turnout, platform promotion or organizational capacity shall not be presumed to be a related expenditure made on a candidate’s behalf”:
 - a) An expenditure “primarily benefits” six or less candidates when the principal purpose of the expenditure is to promote six or fewer specific candidates.
 - b) The fact that an activity may incidentally benefit all candidates of the same party, for example, by increasing voter participation of a particular party, or by some other means, will not prevent an activity from being presumed to be a related campaign expenditure.
 - c) While an expenditure or activity does not have to equally benefit all candidates, it will “primarily benefit” more than six candidates if a reasonable person receiving the mailing or seeing the advertisement will believe that its purpose is to promote more than six candidates.
 - d) When an expenditure is presumed to be a related expenditure, the presumption can be overcome by evidence that the elements of the definition in section 2809(c) were not met or that the elements in 2809(d)(1-3) apply. When an expenditure is not presumed to be a related expenditure because it substantially benefits more than six candidates, the expenditure may still be treated as a related expenditure made on behalf of each candidate

if the elements of the definition in section 2809(c) were met and the elements of (d)(1-3) apply.

4. For purposes of section 2809(d) which states, in pertinent part, that “an expenditure shall not be considered a related campaign expenditure made on the candidate’s behalf” if all of the following apply:
 - a) The expenditures were made in connection with a campaign event whose purpose was to provide a group of voters with the opportunity to meet the candidate personally;
 - b) The expenditures were made only for refreshments and related supplies that were consumed at that event;
and
 - c) The amount of the expenditures for the event was less than \$100.00

An expenditure that meets the requirements above will not be a related expenditure on a candidate’s behalf even if the expenditure was intentionally facilitated by, solicited by, or approved by the candidate.

5. For the purpose of section 2809(c) & (e), “opposing candidate” means any person who seeks the same office that the candidate seeks.

APPENDIX B

OTHER STATUTORY REFERENCES

As a reference aid, we are providing sections of the Vermont Annotated Statutes that may also affect certain candidates, political committees (PACs) or parties. These are included as an aid only.

TITLE 2, Chapter 11: Registration of Lobbyists

§ 266. PROHIBITED CONDUCT

(a) It shall be prohibited conduct:

(1) to employ a lobbyist or lobbying firm, or accept employment as a lobbyist or lobbying firm, for compensation that is dependent on a contingency;

(2) for a legislator or administrative official to solicit a gift, other than a political contribution, from a registered employer or registered lobbyist or a lobbying firm engaged by an employer, except that charitable contributions for nonprofit organizations qualified under 26 U.S.C. § 501(c)(3) may be solicited from registered employers and registered lobbyists or lobbying firms engaged by an employer; or

(3)(A) when the General Assembly is in session, until adjournment sine die:

(i) for a legislator, a legislator's candidate's committee, a legislative leadership political committee, or an administrative official to solicit a contribution from a registered lobbyist, a registered employer, or a lobbying firm engaged by an employer; or

(ii) for a registered lobbyist registered employer, or a lobbying firm engaged by an employer to make or promise a contribution to a legislator, a legislator's candidate's committee, or a legislative leadership political committee.

(b) As used in this section, "candidate's committee," "contribution," and "legislative leadership political committee" shall have the same meanings as in 17 V.S.A. § 2901.

TITLE 4, Chapter 15: Judicial Nominations and Appointments

§ 605. POLITICAL ACTIVITY BY JUDGES PROHIBITED

Superior and district judges shall not make any contribution to or hold any office in a political party or organization or take part in any political campaign.

(1966, No. 64 (Sp. Sess.), § 6, eff. Jan. 1, 1967; amended 1971, No. 161 (Adj. Sess.) § 5.)

TITLE 13, Chapter 51: Gambling and Lotteries

§ 2143A. POLITICAL PARTIES

Notwithstanding the provisions of this chapter, a political party, organized under chapter 45 of Title 17, may organize and execute, and an individual may participate in raffles, the proceeds of which are to be used in undertakings consistent with the purpose of political parties. (Added 1983, No. 136 (Adj. Sess.).)

TITLE 32: Taxation and Finance, Chapter 3: Fiscal Officers and Commissions

§ 109. SOLICITATIONS AND CONTRIBUTIONS PROHIBITED

(a) As used in this section:

(1) "Firm" means any person or entity that provides investment services and includes the owner of the firm, excluding those shareholders owning less than one percent holdings in the firm's outstanding shares, and all managers, officers, directors, partners or employees who have managerial or discretionary responsibility to invest funds, manage funds or provide investment services.

(2) "Investment services" means legal services, investment banking services, investment advisory services, underwriting services, financial advisory services or brokerage firm services for brokerage, underwriting and financial advisory activities which are within the statutory purview of the treasurer.

(3) "Treasurer" means the treasurer of the state of Vermont.

(b) A firm that currently has a contract with the state treasurer or a political committee established by that firm shall not make a

contribution to, or solicit contributions on behalf of, a candidate for the office of treasurer. A violation of this subsection shall be considered a material breach and a default by the firm of any contract issued to it by the treasurer. Upon the occurrence of such a material breach and default, the treasurer shall notify the firm of the state's intention to terminate the firm's contract. The treasurer shall forthwith seek to reissue the contract to another person or entity in accordance with existing law and procedures. This subsection shall not preclude the payment of compensation, expenses or fees to a firm that has violated this subsection regarding work performed or expenses incurred prior to the date the contract is terminated.

(c) The treasurer shall not enter into any contract with any firm if the firm or a political committee established by that firm has made a contribution or solicited contributions on behalf of a candidate for the office of treasurer after July 1, 1997 and within five years of the date of the contract. (Added 1997, No. 64, § 26.)

APPENDIX C

TITLE 17, CHAPTER 61: CAMPAIGN FINANCE

Subchapter 1: General Provisions

§ 2901. Definitions

As used in this chapter:

(1) “Candidate” means an individual who has taken affirmative action to become a candidate for State, county, local, or legislative office in a primary, special, general, or local election. An affirmative action shall include one or more of the following:

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

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

(C) announcing that the individual seeks an elected position as a State, county, or local officer or a position as Representative or Senator in the General Assembly.

(2) “Candidate’s committee” means the candidate’s campaign staff, whether paid or unpaid.

(3) “Clearly identified,” with respect to a candidate, means:

(A) the name of the candidate appears;

(B) a photograph or drawing of the candidate appears; or

(C) the identity of the candidate is apparent by unambiguous reference.

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

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

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

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

(D) unreimbursed campaign-related travel expenses paid for by the candidate or the candidate’s spouse;

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

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

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

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

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

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

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

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

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

(5) “Election” means the procedure whereby the voters of this State or any of its political subdivisions select a person to be a candidate for public office or to fill a public office or to act on public questions including voting on constitutional amendments. Each primary, general, special, or local election shall constitute a separate election.

(6) “Electioneering communication” means any communication that refers to a clearly identified candidate for office and that promotes or supports a candidate for that office or attacks or opposes a candidate for that office, regardless of whether the communication expressly advocates a vote for or against a candidate, including communications published in any newspaper or periodical or broadcast on radio or television or over the Internet or any public address system; placed on any billboards, outdoor facilities, buttons, or printed material attached to motor vehicles, window displays, posters, cards, pamphlets, leaflets, flyers, or other circulars; or contained in any direct mailing, robotic phone calls, or mass e-mails.

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

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

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

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

(D) unreimbursed campaign-related travel expenses paid for by the candidate or the candidate’s spouse.

(8) “Four-year general election cycle” means the 48-month period that begins 38 days after a general election for a four-year-term office.

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

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

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

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

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

(B) is distributed through public advertising such as broadcast stations, cable television, newspapers, and similar media or through direct mail, telephone, electronic mail, a publicly accessible site on the Internet, or personal delivery;

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

(D) is limited to:

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

- (ii) the offices sought;
- (iii) the offices currently held by the candidates;
- (iv) the party affiliation of the candidates and a brief statement about the party or the candidates' positions, philosophy, goals, accomplishments, or biographies;
- (v) encouragement to vote for the candidates identified; and
- (vi) information about voting, such as voting hours and locations.

(13) "Political committee" or "political action committee" means any formal or informal committee of two or more individuals or a corporation, labor organization, public interest group, or other entity, not including a political party, which accepts contributions of \$1,000.00 or more and makes expenditures of \$1,000.00 or more in any two-year general election cycle for the purpose of supporting or opposing one or more candidates, influencing an election, or advocating a position on a public question in any election, and includes an independent expenditure-only political committee and a legislative leadership political committee.

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

(15) "Public question" means an issue that is before the voters for a binding decision.

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

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

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

(19) "Legislative leadership political committee" means a political committee established by or on behalf of a political party caucus within a chamber of the General Assembly. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 2902. Exceptions

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

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

(2) any communication distributed through a public access television station if the communication complies with the laws and rules governing the station and if all candidates in the race have an equal opportunity to promote their candidacies through the station. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 2903. Penalties

(a) A person who knowingly and intentionally violates a provision of subchapter 2, 3, or 4 of this chapter shall be fined not more than \$1,000.00 or imprisoned not more than six months, or both.

(b) A person who violates any provision of this chapter shall be subject to a civil penalty of up to \$10,000.00 for each violation and shall refund to the Secretary of State an amount equivalent to any contributions or expenditures that violate subdivision 2983(b)(1) of this chapter.

(c) In addition to the other penalties provided in this section, a State's Attorney or the Attorney General may institute any appropriate action, injunction, or other proceeding to prevent, restrain, correct, or abate any violation of this chapter. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 2904. Civil investigation

(a)(1) The Attorney General or a State's Attorney, whenever he or she has reason to believe any person to be or to have been in violation of this chapter or of any rule or regulation made pursuant to this chapter, may examine or cause to be examined by any agent or representative designated by him or her for that purpose any books, records, papers, memoranda, or physical objects of any nature bearing upon each alleged violation and may demand written responses under oath to questions bearing upon each alleged violation.

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

(3) The Attorney General or a State's Attorney shall serve notice of the time, place, and cause of such examination or attendance or notice of the cause of the demand for written responses personally or by certified mail upon such person at his or her principal place of business or, if such place is not known, to his or her last known address. Such notice shall include a statement that a knowing and intentional violation of subchapters 2 through 4 of this chapter is subject to criminal prosecution.

(4) Any book, record, paper, memorandum, or other information produced by any person pursuant to this section shall not, unless otherwise ordered by a court of this State for good cause shown, be disclosed to any person other than the authorized agent or representative of the Attorney General or a State's Attorney or another law enforcement officer engaged in legitimate law enforcement activities unless with the consent of the person producing the same, except that any transcript of oral testimony, written responses, documents, or other information produced pursuant to this section may be used in the enforcement of this chapter, including in connection with any civil action brought under section 2903 of this subchapter or subsection (c) of this section.

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

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

(b)(1) A person upon whom a notice is served pursuant to the provisions of this section shall comply with its terms unless otherwise provided by the order of a court of this State.

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

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

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

(d) Any person aggrieved by a civil investigation conducted under this section may seek relief from Washington Superior Court or the Superior Court in the county in which the aggrieved person resides. Except for cases the Court considers to be of greater importance, proceedings before Superior Court as authorized by this section shall take precedence on the docket over all other cases. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 2905. Adjustments for inflation

(a)(1) Whenever it is required by this chapter, the Secretary of State shall make adjustments to monetary amounts provided in this chapter based on the Consumer Price Index. Increases shall be rounded to the nearest \$10.00 and shall apply for the term of two

two-year general election cycles. Increases shall be effective for the first two-year general election cycle beginning after the general election held in 2016.

(2) As used in this section, Consumer Price Index shall mean the Northeast Region Consumer Price Index for all urban consumers, designated as "CPI-U", in the northeast region, as published by the U.S. Department of Labor, Bureau of Labor Statistics.

(b) On or before the first two-year general election cycle beginning after the general election held in 2016, the Secretary of State shall calculate and publish on the online database set forth in section 2906 of this chapter each adjusted monetary amount that will apply to those two two-year general election cycles. On or before the beginning of each second subsequent two-year general election cycle, the Secretary of State shall publish the amount of each adjusted monetary amount that shall apply for that two-year general election cycle and the next two-year general election cycle. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 2906. Campaign database; candidate information web page

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

- (1) at least the following information for all candidates for statewide, county, and local office and for the General Assembly:
 - (A) for candidates receiving public financing grants, the amount of each grant awarded; and
 - (B) the information contained in any reports submitted pursuant to subchapter 4 of this chapter;
- (2) an Internet link to campaign finance reports filed by Vermont's candidates for federal office;
- (3) the adjustments for inflation made to monetary amounts as required by this chapter; and
- (4) any photographs, biographical sketches, and position statements submitted to the Secretary of State pursuant to subsection (b) of this section.

(b) Candidate information web page.

- (1) Any candidate for statewide office and any candidate for federal office qualified to be on the ballot in this State may submit to the Secretary of State a photograph, biographical sketch, and position statement of a length and format specified by the Secretary of State for the purposes of preparing a candidate information web page within the website of the Secretary of State.
- (2) Without making any substantive changes in the material presented, the Secretary of State shall prepare a candidate information web page on the Secretary of State's website, which includes the candidates' photographs, biographies, and position statements; a brief explanation of the process used to obtain candidate submissions; and, with respect to offices for which public financing is available, an indication of which candidates are receiving Vermont campaign finance grants and which candidates are not receiving Vermont campaign finance grants.
- (3) The Secretary of State shall populate the candidate information web page by posting each candidate's submission no later than three business days after receiving the candidate's submission. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 2907. Administration

The Secretary of State shall administer this chapter and shall perform all duties required under this chapter. The Secretary of State may employ or contract for the services of persons necessary for performance of these duties. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

Subchapter 2: Registration And Maintenance Requirements

§ 2921. Candidates; registration; checking account; treasurer

(a) Each candidate who has made expenditures or accepted contributions of \$500.00 or more in an election cycle shall register with the Secretary of State within 10 days of reaching the \$500.00 threshold or on the date that the next report is required of the candidate under this chapter, whichever occurs first, stating his or her full name and address; the office the candidate is seeking; the name and address of the bank in which the candidate maintains his or her campaign checking account; and the name and address of the treasurer responsible for maintaining the checking account. A candidate's treasurer may be the candidate or his or her spouse.

(b) All expenditures by a candidate shall be paid by either a credit card or a debit card, check, or other electronic transfer from the single campaign checking account in the bank designated by the candidate under subsection (a) of this section, or, if under \$250.00, the candidate may make the expenditure from cash from that campaign checking account if accompanied by a receipt, a copy of which shall be maintained by the candidate for at least two years from the end of the election cycle in which the expenditure was made. Nothing in this subsection shall be construed to prohibit the payment of fees required to be made from a separately held online account designated solely to collect campaign contributions made to the candidate.

(c) As used in this section, "election cycle" means:

(1) in the case of a general or local election, the period that begins 38 days after the previous general or local election for the office and ends 38 days after the general or local election for the office for which that person is a candidate, and includes any primary or run-off election related to that general or local election; or

(2) in the case of a special election, the period that begins on the date the special election for the office was ordered and ends 38 days after that special election, and includes any special primary or run-off election related to that special election. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 2922. Political committees; registration; checking account; treasurer

(a)(1) Each political committee shall register with the Secretary of State within 10 days of making expenditures of \$1,000.00 or more and accepting contributions of \$1,000.00 or more stating its full name and address; the name and address of the bank in which it maintains its campaign checking account; and the name and address of the treasurer responsible for maintaining the checking account.

(2)(A) In addition to the requirements of subdivision (1) of this subsection, a legislative leadership political committee shall designate in its registration that it is established as a legislative leadership political committee.

(B) The Secretary of State shall provide on his or her website a list of all legislative leadership political committees that have been designated as provided in this subdivision (2).

(b) All expenditures by a political committee shall be paid by either a credit card or a debit card, check, or other electronic transfer from the single campaign checking account in the bank designated by the political committee under subsection (a) of this section, or, if under \$250.00, the political committee may make the expenditure from cash from that campaign checking account if accompanied by a receipt, a copy of which shall be maintained by the political committee for at least two years from the end of the two-year general election cycle in which the expenditure was made. Nothing in this subsection shall be construed to prohibit the payment of fees required to be made from a separately held online account designated solely to collect campaign contributions made to the political committee.

(c) A political committee whose principal place of business or whose treasurer is not located in this State shall file a statement with the Secretary of State designating a person who resides in this State upon whom may be served any process, notice, or demand required or permitted by law to be served upon the political committee. This statement shall be filed at the same time as the registration required in subsection (a) of this section. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 2923. Political parties; registration; checking accounts; treasurer

(a)(1) Each political party which has accepted contributions or made expenditures of \$1,000.00 or more in any two-year general election cycle shall register with the Secretary of State within 10 days of reaching the \$1,000.00 threshold. In its registration, the party shall state its full name and address, the name and address of the bank in which it maintains its campaign checking account, and the name and address of the treasurer responsible for maintaining the checking account.

(2) A political party may permit any subsidiary, branch, or local unit of the political party to maintain its own checking account. If a subsidiary, branch, or local unit of a political party is so permitted, it shall file with the Secretary of State within five days of establishing the checking account its full name and address, the name of the political party, the name and address of the bank in which it maintains its campaign checking account, and the name and address of the treasurer responsible for maintaining the checking account.

(b) All expenditures by a political party or its subsidiary, branch, or local unit shall be paid by either a credit card or a debit card, check, or other electronic transfer from the single campaign checking account in the bank designated by the political party, subsidiary, branch, or local unit under subsection (a) of this section, or if under \$250.00, the political party, subsidiary, branch, or local unit may make the expenditure from cash from that campaign checking account if accompanied by a receipt, a copy of which shall be

maintained by the political party, subsidiary, branch, or local unit for at least two years from the end of the two-year general election cycle in which the expenditure was made. Nothing in this subsection shall be construed to prohibit the payment of fees required to be made from a separately held online account designated solely to collect campaign contributions made to the political party, subsidiary, branch, or local unit.

(c) A political party or its subsidiary, branch, or local unit whose principal place of business or whose treasurer is not located in this State shall file a statement with the Secretary of State designating a person who resides in this State upon whom may be served any process, notice, or demand required or permitted by law to be served upon the political party, subsidiary, branch, or local unit. This statement shall be filed at the same time as the registration required in subsection (a) of this section. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 2924. Candidates; surplus campaign funds; new campaign accounts

(a) A candidate who has surplus funds after all campaign debts have been paid shall not convert the surplus to personal use, other than to reduce personal campaign debts or as otherwise provided in this chapter.

(b) Surplus funds in a candidate's account shall be:

- (1) contributed to other candidates, political parties, or political committees subject to the contribution limits set forth in this chapter;
- (2) contributed to a charity;
- (3) contributed to the Secretary of State Services Fund;
- (4) rolled over into a new campaign or be carried forward for surplus maintenance as provided in subsection (d) of this section; or
- (5) liquidated using a combination of the provisions set forth in subdivisions (1)-(4) of this subsection.

(c) The "final report" of a candidate shall indicate the amount of the surplus and how it has been liquidated.

(d)(1)(A) A candidate who chooses to roll over any surplus into a new campaign for public office shall close out his or her former campaign by converting all debts and assets to the new campaign.

(B) A candidate who does not intend to be a candidate in a subsequent election but who chooses to carry forward any surplus shall maintain that surplus by closing out his or her former campaign and converting all debts and assets to surplus maintenance.

(2) The candidate may use his or her former campaign's treasurer and bank account for the new campaign under subdivision (1)(A) of this subsection or the maintenance of surplus under subdivision (1)(B) of this subsection. A candidate shall be required to file a new bank designation form only if there has been a change in the treasurer or the location of the campaign account. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 2925. Political committees; surplus campaign funds

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

(b) Surplus funds in a political committee's account shall be:

- (1) contributed to other candidates, political parties, or political committees subject to the contribution limits set forth in this chapter;
- (2) contributed to a charity;
- (3) contributed to the Secretary of State Services Fund; or
- (4) liquidated using a combination of the provisions set forth in subdivisions (1)-(3) of this subsection.

(c) The “final report” of a political committee shall indicate the amount of the surplus and how it has been liquidated. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

Subchapter 3: Contribution Limitations

§ 2941. Limitations of contributions

(a) In any election cycle:

(1)(A) A candidate for State Representative or for local office shall not accept contributions totaling more than:

- (i) \$1,000.00 from a single source; or
- (ii) \$1,000.00 from a political committee.

(B) Such a candidate may accept unlimited contributions from a political party.

(2)(A) A candidate for State Senator or for county office shall not accept contributions totaling more than:

- (i) \$1,500.00 from a single source; or
- (ii) \$1,500.00 from a political committee.

(B) Such a candidate may accept unlimited contributions from a political party.

(3)(A) A candidate for the office of Governor, Lieutenant Governor, Secretary of State, State Treasurer, Auditor of Accounts, or Attorney General shall not accept contributions totaling more than:

- (i) \$4,000.00 from a single source; or
- (ii) \$4,000.00 from a political committee.

(B) Such a candidate may accept unlimited contributions from a political party.

(4) A political committee shall not accept contributions totaling more than:

- (A) \$4,000.00 from a single source;
- (B) \$4,000.00 from a political committee; or
- (C) \$4,000.00 from a political party.

(5) A political party shall not accept contributions totaling more than:

- (A) \$10,000.00 from a single source;
- (B) \$10,000.00 from a political committee; or
- (C) \$60,000.00 from a political party.

(6) [Repealed]

(b) A single source, political committee, or political party shall not contribute more to a candidate, political committee, or political party than the candidate, political committee, or political party is permitted to accept under this section.

(c) As used in this section:

(1) For a candidate described in subdivisions (1)-(3) of subsection (a), an “election cycle” means:

- (A) in the case of a general or local election, the period that begins 38 days after the previous general or local election for the office and ends 38 days after the general or local election for the office for which that person is a candidate, and includes any primary or run-off election related to that general or local election; or

(B) in the case of a special election, the period that begins on the date the special election for the office was ordered and ends 38 days after that special election, and includes any special primary or run-off election related to that special election.

(2) For a political committee, political party, or single source described in subdivisions (4)-(6) of subsection (a), an “election cycle” means a two-year general election cycle. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 1, 2015.)

§ 2942. Exceptions

The contribution limitations established by this subchapter shall not apply to contributions to a political committee made for the purpose of advocating a position on a public question, including a constitutional amendment. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 2943. Limitations adjusted for inflation

The contribution limitations contained in this subchapter shall be adjusted for inflation pursuant to the Consumer Price Index as provided in section 2905 of this chapter. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 2944. Accountability for related expenditures

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

(b) As used in this section, a “related campaign expenditure made on the candidate’s behalf” means any expenditure intended to promote the election of a specific candidate or group of candidates or the defeat of an opposing candidate or group of candidates if intentionally facilitated by, solicited by, or approved by the candidate or the candidate’s committee.

(c)(1) An expenditure made by a political party or by a political committee that recruits or endorses candidates that primarily benefits six or fewer candidates who are associated with the political party or political committee making the expenditure is presumed to be a related expenditure made on behalf of those candidates, except that the acquisition, use, or dissemination of the images of those candidates by the political party or political committee shall not be presumed to be a related expenditure made on behalf of those candidates.

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

(d)(1) As used in this section, an expenditure by a person shall not be considered a “related expenditure made on the candidate’s behalf” if all of the following apply:

(A) the expenditure was made in connection with a campaign event whose purpose was to provide a group of voters with the opportunity to meet a candidate;

(B) the expenditure was made for:

(i) invitations and any postage for those invitations to invite voters to the event; or

(ii) any food or beverages consumed at the event and any related supplies thereof; and

(C) the cumulative value of any expenditure by the person made under this subsection does not exceed \$500.00 per event.

(2) For the purposes of this subsection:

(A) if the cumulative value of any expenditure by a person made under this subsection exceeds \$500.00 per event, the amount equal to the difference between the two shall be considered a “related expenditure made on the candidate’s behalf”; and

(B) any reimbursement to the person by the candidate for the costs of the expenditure shall be subtracted from the cumulative value of the expenditures.

(e)(1) A candidate may seek a determination that an expenditure is a related expenditure made on behalf of an opposing candidate by filing a petition with the Superior Court of the county in which either candidate resides.

(2) Within 24 hours of the filing of a petition, the Court shall schedule the petition for hearing. Except as to cases the Court considers of greater importance, proceedings before the Superior Court, as authorized by this section, and appeals from there take precedence on the docket over all other cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

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

(f) The Secretary of State may adopt rules necessary to administer the provisions of this section. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 2945. Accepting contributions

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

(b) A candidate, political committee, or political party shall not accept a monetary contribution in excess of \$100.00 unless made by check, credit or debit card, or other electronic transfer. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 2946. Candidate's attribution to previous cycle

A candidate's expenditures related to a previous campaign and contributions used to retire a debt of a previous campaign shall be attributed to the earlier campaign. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 2947. Contributions from a candidate

This subchapter shall not be interpreted to limit the amount a candidate may contribute to his or her own campaign. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 2948. Prohibition on transferring contributions

A candidate, political committee, or political party shall not accept a contribution which the candidate, political committee, or political party knows is not directly from the contributor but was transferred to the contributor by another person for the purpose of transferring the same to the candidate, political committee, or political party or otherwise circumventing the provisions of this chapter. It shall be a violation of this chapter for a person to make a contribution with the explicit or implicit understanding that the contribution will be transferred in violation of this section. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 2949. Use of term "candidate"

As used in this subchapter, the term "candidate" includes the candidate's committee, except in regard to the provisions of section 2947 of this subchapter. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

Subchapter 4: Reporting Requirements; Disclosures

§ 2961. Submission of reports to the Secretary of State

(a) The Secretary of State shall provide on the online database set forth in section 2906 of this chapter digital access to the form that he or she provides for any report required by this chapter. Digital access shall enable any person required to file a report under this chapter to file the report by completing and submitting the report to the Secretary of State online.

(2) The Secretary of State shall maintain on the online database all reports that have been filed digitally on it so that any person may have direct machine-readable electronic access to the individual data elements in each report and the ability to search those data elements as soon as a report is filed.

(b) Any person required to file a report with the Secretary of State under this chapter shall file the report digitally on the online database. Notwithstanding the definition of "file" set forth in section 2103 of this title, such a report is required to be filed on or before the day provided in this chapter. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 15, 2015.)

§ 2962. Reports; general provisions

(a) Any report required to be submitted to the Secretary of State under this chapter shall contain the statement “I hereby certify that the information provided on all pages of this campaign finance disclosure report is true to the best of my knowledge, information, and belief” and places for the signature of the candidate or the treasurer of the candidate, political committee, or political party.

(b) Any person required to file a report under this chapter shall provide the information required in the Secretary of State’s reporting form. Disclosure shall be limited to the information required to administer this chapter.

§ 2963. Campaign reports; Secretary of State; forms; filing

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

- (1) the full name, town of residence, and mailing address of each contributor who contributes an amount in excess of \$100.00, the date of the contribution, and the amount contributed;
- (2) the total amount of all contributions of \$100.00 or less and the total number of all contributors making such contributions;
- (3) each expenditure listed by amount, date, to whom paid, for what purpose; and
 - (A) if the expenditure was a related campaign expenditure made on a candidate’s behalf:
 - (i) the name of the candidate or candidates on whose behalf the expenditure was made; and
 - (ii) the name of any other candidate or candidates who were otherwise supported or opposed by the expenditure; or
 - (B) if the expenditure was not a related campaign expenditure made on a candidate’s behalf but was made to support or oppose a candidate or candidates, the name of the candidate or candidates;
- (4) the amount contributed or loaned by the candidate to his or her own campaign during the reporting period; and
- (5) each debt or other obligation, listed by amount, date incurred, to whom owed, and for what purpose, incurred during the reporting period.

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

- (2) Contributions and expenditures for the reporting period and for the campaign to date also shall be totaled in an appropriate place on the form. The total of contributions shall include a subtotal of nonmonetary contributions and a subtotal of all monetary contributions.
- (3) The form shall contain a list of the required filing times so that the person filing may designate for which time period the filing is made.
- (4) Contributions accepted and expenditures spent after 5:00 p.m. on the third day prior to the filing deadline shall be reported on the next report. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 2964. Campaign reports; candidates for State office, the General Assembly, and county office; political committees; political parties

(a)(1) Each candidate for State office, the General Assembly, or a two-year-term county office who has rolled over any amount of surplus into his or her new campaign or who has made expenditures or accepted contributions of \$500.00 or more during the two-year general election cycle and, except as provided in subsection (b) of this section, each political committee that has not filed a final report pursuant to subsection 2965(b) of this chapter, and each political party required to register under section 2923 of this chapter shall file with the Secretary of State campaign finance reports as follows:

- (A) in the first year of the two-year general election cycle, on July 15; and
- (B) in the second year of the two-year general election cycle:

- (i) on March 15;
- (ii) on July 15 and August 15;
- (iii) on September 1;
- (iv) on October 1, October 15, and the Friday before the general election; and
- (v) two weeks after the general election.

(2) Each candidate for a four-year-term county office who has rolled over any amount of surplus into his or her new campaign or who has made expenditures or accepted contributions of \$500.00 or more during the four-year general election cycle shall file with the Secretary of State campaign finance reports as follows:

(A) in the first three years of the four-year general election cycle, on July 15; and

(B) in the fourth year of the four-year general election cycle:

- (i) on March 15;
- (ii) on July 15 and August 15;
- (iii) on September 1;
- (iv) on October 1, October 15, and the Friday before the general election; and
- (v) two weeks after the general election.

(b)(1) A political committee or a political party which has accepted contributions or made expenditures of \$1,000.00 or more during the local election cycle for the purpose of influencing a local election or supporting or opposing one or more candidates in a local election shall file with the Secretary of State campaign finance reports regarding that local election 30 days before, 10 days before, and two weeks after the local election.

(2) As used in this subsection, “local election cycle” means:

(A) in the case of a local election, the period that begins 38 days after the local election prior to the one for which the contributions or expenditures were made and ends 38 days after the local election for which the contributions or expenditures were made, and includes any primary or run-off election related to that local election; or

(B) in the case of a special local election, the period that begins on the date the special local election was ordered and ends 38 days after that special local election, and includes any special primary or run-off election related to that special local election.

(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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 2965. Final reports; candidates for State office, the General Assembly, and county office; political committees; political parties; end-of-cycle reports for political committees and political parties

(a) At any time, but not later than December 15th following the general election, each candidate required to report under the provisions of section 2964 of this subchapter shall file with the Secretary of State a “final report” that lists a complete accounting of all contributions and expenditures since the last report and liquidation of surplus and which shall constitute the termination of his or her campaign activities.

(b)(1) At any time, but no later than December 15th following the general election, each political committee or political party that has not filed a final report as set forth in subdivision (2) of this subsection shall file an end-of-cycle report that lists a complete accounting of all contributions and expenditures since the last report.

(2) At any time, a political committee or a political party may file a “final report” which lists a complete accounting of all contributions and expenditures since the last report and liquidation of surplus and which shall constitute the termination of its campaign activi-

ties. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 2966. Reports by candidates not reaching monetary reporting threshold

(a) Each candidate for State office, the General Assembly, or a two-year-term county office who was not required to report under the provisions of section 2964 of this subchapter shall file with the Secretary of State 10 days following the general election a statement that the candidate either did not roll over any amount of surplus into his or her new campaign or has not made expenditures or accepted contributions of \$500.00 or more during the two-year general election cycle.

(b) Each candidate for a four-year-term county office who was not required to report under the provisions of section 2964 of this subchapter shall file with the Secretary of State 10 days following the general election a statement that the candidate either did not roll over any amount of surplus into his or her new campaign or has not made expenditures or accepted contributions of \$500.00 or more during the four-year general election cycle. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 2967. Additional campaign reports; candidates for State office and the General Assembly

(a) 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) A report required by this section shall include the following information:

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

(2) the amount contributed or loaned by the candidate to his or her own campaign. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 2968. Campaign reports; local candidates

(a) Each candidate for local office who has rolled over any amount of surplus into his or her new campaign or who has made expenditures or accepted contributions of \$500.00 or more since the last local election for that office shall file with the Secretary of State campaign finance reports 30 days before, 10 days before, and two weeks after the local election.

(b) Within 40 days after the local election, each candidate for local office required to report under the provisions of subsection (a) of this section shall file with the Secretary of State a “final report” which lists a complete accounting of all contributions and expenditures since the last report and a liquidation of surplus and which shall constitute the termination of his or her campaign activities.

(c) The failure of a local candidate to file a campaign finance report under this section shall be deemed an affirmative statement that the candidate either did not roll over any amount of surplus into his or her new campaign or has not accepted contributions or made expenditures of \$500.00 or more since the last local election for that office. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 2969. Reporting of surplus maintenance by former candidates

A former candidate who has maintained surplus by carrying it forward as provided in subdivision 2924(d)(1)(B) of this chapter but who is not otherwise required to file campaign reports under this chapter shall file a report of the amount of his or her surplus and any liquidation of it two weeks after each general election until liquidation of all surplus has been reported. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 2970. Campaign reports; other entities; public questions

(a) Any formal or informal committee of two or more individuals or a corporation, labor organization, public interest group, or other entity, not including a political party, which makes expenditures of \$1,000.00 or more during the election cycle for the purpose of advocating a position on a public question in any election shall file a report of its expenditures 30 days before, 10 days before, and two weeks after the election with the Secretary of State.

(b) As used in this section, “election cycle” means:

(1) in the case of a public question in a general or local election, the period that begins 38 days after the general or local election prior to the one in which the public question is posed and ends 38 days after the general or local election in which the

public question is posed; or

(2) in the case of a public question in a special election, the period that begins on the date the special election for the public question was ordered and ends 38 days after that special election. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 2971. Report of mass media activities

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

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

(3) The mass media report shall be filed and the copy of the report shall be sent within 24 hours of the expenditure or activity, whichever occurs first. For the purposes of this section, a person shall be treated as having made an expenditure if the person has executed a contract to make the expenditure.

(b) The report shall identify the person who made the expenditure; the name of each candidate whose name or likeness was included in the activity; the amount and date of the expenditure; to whom it was paid; and the purpose of the expenditure.

(c) If the activity occurs within 45 days before the election and the expenditure was previously reported, an additional report shall be required under this section.

(d)(1) In addition to the reporting requirements of this section, an independent expenditure-only political committee that makes an expenditure for any one mass media activity totaling \$5,000.00 or more, adjusted for inflation pursuant to the Consumer Price Index as provided in section 2905 of this chapter, within 45 days before a primary, general, county, or local election shall, for each such activity and within 24 hours of the expenditure or activity, whichever occurs first, file an independent expenditure-only political committee mass media report with the Secretary of State and send a copy of the report to each candidate whose name or likeness is included in the activity without that candidate's knowledge.

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

(3) The report shall include all of the information required under subsection (b) of this section, as well as the names of the contributors, dates, and amounts for all contributions in excess of \$100.00 accepted since the filing of the committee's last report. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014; amended 2013, No. 90 (Adj. Sess.), § 4, cont. eff.)

§ 2972. Identification in electioneering communications

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

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

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

(b) If an electioneering communication is a related campaign expenditure made on a candidate's behalf as provided in section 2944 of this chapter, then in addition to other requirements of this section, the communication shall also clearly designate the candidate on whose behalf it was made by including language such as "on behalf of" such candidate.

(c) In addition to the identification requirements in subsections (a) and (b) of this section, an electioneering communication paid for by or on behalf of a political committee or political party shall contain the name of any contributor who contributed more than 25 percent of all contributions and more than \$2,000.00 to that committee or party since the beginning of the two-year general election cycle in

which the electioneering communication was made to the date on which the expenditure for the electioneering communication was made. For the purposes of this subsection, a political committee or political party shall be treated as having made an expenditure if the committee or party or person acting on behalf of the committee or party has executed a contract to make the expenditure.

(d) The identification requirements of this section shall not apply to lapel stickers or buttons, nor shall they apply to electioneering communications made by a single individual acting alone who spends, in a single two-year general election cycle, a cumulative amount of no more than \$150.00 on those electioneering communications, adjusted for inflation pursuant to the Consumer Price Index as provided in section 2905 of this chapter. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 2973. Specific identification requirements for radio, television, or Internet communications

(a) In addition to the identification requirements set forth in section 2972 of this subchapter, a person, candidate, political committee, or political party that makes an expenditure for an electioneering communication shall include in any communication which is transmitted through radio, television, or online video, in a clearly spoken manner, an audio statement of the name and title of the person who paid for the communication and that the person paid for the communication.

(b) If the person who paid for the communication is not a natural person, the audio statement required by this section shall include the name of that person and the name and title of the principal officer of the person. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

Subchapter 5: Public Financing Option

§ 2981. Definitions

As used in this subchapter:

(1) “Affidavit” means the Vermont campaign finance affidavit required under section 2982 of this chapter.

(2) “General election period” means the period beginning the day after the primary election and ending the day of the general election.

(3) “Primary election period” means the period beginning the day after primary petitions must be filed under section 2356 of this title and ending the day of the primary election.

(4) “Vermont campaign finance qualification period” means 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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 2982. Filing of Vermont campaign finance 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 a Vermont campaign finance affidavit on 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.

(b) The Secretary of State shall prepare a Vermont campaign finance affidavit form, 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.

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

(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.

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

(5) The affidavit shall be sworn and subscribed to by the candidate. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 2983. Vermont campaign finance grants; conditions

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

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

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

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

(3) not later than 40 days after the general election, deposit in the Secretary of State Services Fund, after all permissible expenditures have been paid, the balance of any amounts remaining in the account established under subdivision (2) of this subsection. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 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 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.

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

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

(d) A candidate may retain and expend qualifying contributions obtained under this section. A candidate may expend the qualifying contributions for the purpose of obtaining additional qualifying contributions and may expend the remaining qualifying contributions during the primary and general election periods. Amounts expended under this subsection shall be considered expenditures for purposes of this chapter. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 2985. Vermont campaign finance grants; amounts; timing

(a)(1) The Secretary of State shall make grants from the Secretary of State Services Fund in separate grants for the primary and general election periods to candidates who have qualified for Vermont campaign finance grants under this subchapter.

(2) To cover any campaign finance grants to candidates who have qualified under this subchapter, the Secretary of State shall report to the Commissioner of Finance and Management, who shall anticipate receipts to the Services Fund and issue warrants to pay for those grants. The Commissioner shall report any such anticipated receipts and warrants issued under this subdivision to the Joint Fiscal Committee on or before December 1 of the year in which the warrants were issued.

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

(1) For Governor, \$150,000.00 in a primary election period and \$450,000.00 in a general election period, provided that the grant for a primary election period shall be reduced by an amount equal to the candidate's qualifying contributions.

(2) For Lieutenant Governor, \$50,000.00 in a primary election period and \$150,000.00 in a general election period, provided that the grant for a primary election period shall be reduced by an amount equal to the candidate's qualifying contributions;

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

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

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

(e) Vermont campaign finance grants for a primary election period shall be paid to qualifying candidates within the first 10 business days of the primary election period. Vermont campaign finance grants for a general election period shall be paid to qualifying candidates during the first 10 business days of the general election period. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 2986. Monetary amounts adjusted for inflation

The monetary amounts contained in sections 2983-2985 of this subchapter shall be adjusted for inflation pursuant to the Consumer Price Index as provided in section 2905 of this chapter. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)