



★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

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the Handbook

# **Chapter 17**

## **Campaign Finance**

August 2024

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## 17. Campaign Finance

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| <p><b>REQUIRED FORMS</b></p> <p><a href="#">Campaign Finance Disclosure Forms</a></p> <ul style="list-style-type: none"> <li>• CFDA-947.1 Candidate Statement of Organization</li> <li>• CDFA-948.1 Request for Exemption from Reporting Requirements</li> <li>• CFDA-948.1R Rescind Request for Exemption from Reporting Requirements</li> <li>• CFDA-947.9 Large Pre-Election Contribution Report.</li> <li>• CFDA-945.2 Independent Expenditure Report.</li> </ul> | <p><b>ADDITIONAL RESOURCES</b></p> <p><a href="#">COMET Quick User Guide</a><br/> <a href="#">Campaign Finance Filing Schedules</a><br/> <a href="#">Attorney General's Explanation of "Personal Use"</a><br/> <a href="#">Campaign Finance Laws and Policies Summaries</a><br/> <a href="#">Library of Virginia General Retention Schedules for Localities - Voter Registration and Elections (GS-01)</a></p> |
| <p><b>REFERENCE</b></p> <p><a href="#">Code of Virginia, Chapter 9.3 (Campaign Finance Disclosure Act of 2006)</a><br/> <a href="#">Code of Virginia, Chapter 9.5 (Political Campaign Advertisements)</a><br/> <a href="#">SBE Policy 2010-001 Delinquent Civil Penalties to Commonwealth's Attorney</a></p>  | <p><b>REGULATIONS</b></p> <p><a href="#">1VAC20-90-10 et seq.</a></p>  |

### 17.1 CHAPTER ORGANIZATION

Chapter 9.3 of Title 24.2 of the Code of Virginia comprises the *Campaign Finance Disclosure Act of 2006* (CFDA). With the exceptions noted below, the CFDA applies to all elections for state and local public office in the Commonwealth and to nominations of political party candidates for those offices, whether by primary, nominating conventions, mass meetings, or other nominating methods.<sup>1</sup> Each general registrar administers the CFDA for candidates as described below.

First, §17.2 sets out the scope of Virginia campaign finance law. §17.3 distinguishes committees that are required to file locally with the office of the general registrar. §17.4 explains how to determine a committee's election cycle, which is key in setting the committee's filing requirements. §17.5 discusses campaign finance reporting requirements. §17.5.1 discusses the methods by which candidates may file and to whom candidates must submit their filings. §17.5.2 and 17.5.3 provides more details on electronic filing respectively.

<sup>1</sup> See Code of Virginia [§24.2-945](#).

§17.6 provides an overview of the forms that committees may be required to file. The statement of organization is discussed in §17.6.1; this is the campaign finance form that committees are likely to have to submit first. A detailed explanation of how to process the form is provided. Scheduled reports are discussed in §17.6.2. This section covers timing of reports and how reports are processed. The rest of the sections in §17.6 discuss types of special reports: §17.6.3 covers large pre-election contribution reports, §17.6.4 covers independent expenditure reports, and §17.6.5 covers final reports. This is followed by a discussion of exemption forms in §17.6.6, which addresses who can file for exemption and the types of filings that are covered.

§17.7 provides a brief note on the retention of reports. In §17.8 the discussion turns to penalties for CFDA violations. Section 17.9 discusses Chapter 9.5 of the Code of Virginia (commonly referred to as Stand by Your Ad [SBYA]), which sets forth disclaimer requirements for campaign advertisements and telephone calls.<sup>2</sup> Registrars have minimal responsibilities for reporting potential violations under this chapter of the Code. At the end of this chapter of the Handbook, please find appendixes containing templates registrars may use to notify candidates of potential violations.

## 17.2 EXEMPT FROM VIRGINIA CAMPAIGN FINANCE LAW

Candidates<sup>3</sup> for the following offices are exempt from the provisions of CFDA and SBYA<sup>4</sup>:

- Member of the U.S. Congress
- President and Vice President of the United States
- Any town office in a town with a population less than 25,000
  - unless local ordinance provides that CFDA provisions apply OR
  - unless the candidate accepts contributions or makes expenditures in excess of \$25,000 within the candidate's election cycle.
- Political party committee officer

All other candidates in the Commonwealth are subject to the provisions of Chapters 9.3 and 9.5 of Title 24.2.

### Frequently Asked Questions

<sup>2</sup> See Code of Virginia [§24.2-955 et seq.](#)

<sup>3</sup> See Code of Virginia [§24.2-101](#) (definition of “candidate”).

<sup>4</sup> See Code of Virginia [§24.2-945.](#)





*Who are candidates for the purposes of implementing the CFDA?* "Candidate" includes any person who raises or spends funds in order to seek or campaign for an office of the Commonwealth, or one of its governmental units, in a party nomination process or general, primary, or special election.

*Is a write-in candidate considered a candidate and required to submit reports?* Write-in candidates are included in the definition of candidate and are subject to the reporting requirements under CFDA and SBYA.

The provisions of Chapters 9.3 and 9.5 of Title 24.2 also apply to other political entities defined in Code: political action committees (PACS), out-of-state political committees, political party committees, referendum committees, and inaugural committees.<sup>5</sup>

### 17.3 WHICH COMMITTEE TYPES FILE LOCALLY?

All of the entities mentioned above that fall under the provisions of Chapters 9.3 and 9.5 of Title 24.2 are required to file campaign finance reports electronically with the State Board of Elections using the COMET system. General registrars are still responsible however for reviewing local candidate reports.

### 17.4 ELECTION AND REPORTING CYCLES

The candidate's election cycle is determined by the office for which the candidate decides to run. The election cycle begins on January 1 of the year the candidate first seeks election to that office through December 31 immediately following the election for such office.<sup>6</sup> For a candidate who seeks election in successive elections for the same office, the next election cycle shall begin on January 1 immediately following each election for that office and continue through December 31 immediately following the next successive election for the same office.

#### 17.4.1 Cycle is Set with the Filing of the SOO

For administrative purposes, a committee that files a statement of organization has ongoing filing requirements until a final report is filed. A candidate committee is responsible for timely filing all required reports in the intervening period, regardless of whether the candidate is actively seeking office. Candidates and parties can close their committee registration at any time by filing a final report.

#### 17.4.2 Special Elections Campaign Finance Cycles

A candidate may begin campaigning for a special election to fill a vacant seat prior to the special election writ being issued. If the writ for a special election has not been called, then the election date on the statement of organization should indicate the next general election date for the office sought. The statement of organization must be amended to reflect the date of the special election once the writ has been issued and the candidate has decided to run in the special election.

<sup>5</sup> See Code of Virginia [§24.2-945.1](#).

<sup>6</sup> See Code of Virginia [§24.2-947](#).



## 17.5 CAMPAIGN FINANCE REPORTING

### 17.5.1 How and to Whom Committees File

ELECT is responsible for maintaining a centralized database to receive campaign finance reports and other required filings that are filed electronically<sup>7</sup>; this electronic campaign finance report creation and filing application is known as COMET (COMmittee Electronic Tracking). COMET enables candidates to electronically file (e-file) required disclosure reports.

Candidates for General Assembly and local or constitutional offices must file their campaign finance reports with the State Board of Elections electronically. Registrars should direct candidates to ELECT's *COMET Quick User Guide* to help them get started with online filing. There is no cost for using COMET and all support for this application is provided by ELECT. Additionally, COMET reminds candidates of upcoming reports and prevents them from submitting incomplete reports, which helps prevent candidates from incurring penalties.

Candidates for local or constitutional office shall file reports by computer or electronic means.<sup>8</sup> These candidates *shall not be* required to file reports with the general registrar of the locality in which they reside.<sup>9</sup>

### 17.5.2 Electronic Filings (through COMET)

**Candidates for General Assembly:** Must send a signed copy of their statement of organization to their local general registrar.

**Forms submitted by a candidate for local or constitutional office:** ELECT will process and retain those reports, notifying the locality when such reports are filed so that they can be reviewed for completeness by the general registrar.

## 17.6 DISCLOSURE FORMS

Virginia requires public disclosure of all contributions received and expenditures made by regulated political entities. Virginia does not limit contributions.<sup>10</sup> Below is a list of the types of filings, information about those filings, and procedures for processing them. While most of these filings will be made online through COMET, registrars should be familiar with each of these types of filings and the forms on which they are filed.

### 17.6.1 Statement of Organization (SOO)

The statement of organization<sup>11</sup> is the first document that a committee must file. An SOO establishes the committee, to which all future filings and communications are linked.

<sup>7</sup> See Code of Virginia §[24.2-946.1](#).

<sup>8</sup> See Code of Virginia §[24.2-947.5](#).

<sup>9</sup> *Id.*

<sup>10</sup> Federal law may impose certain prohibitions on state and local elections (e.g., all candidates for elected office in the U.S. are prohibited from accepting contributions from foreign nationals (see 8 USC § 441e). Such prohibitions are enforced by the [Office of the United States Attorney](#), to whom any questions about compliance should be directed.

<sup>11</sup> Form CFDA-947.1 Candidate Statement of Organization.



### 17.6.1.1 What the SOO Does (Legally)

The statement of organization creates a candidate campaign committee, which becomes the committee designated by a candidate to receive all contributions and make all expenditures for him or on his behalf in connection with his nomination or election for a particular office.<sup>12</sup>

### 17.6.1.2 When to File an SOO



All individuals within the scope of Virginia campaign finance law must file a statement of organization **within 10 calendar days** of meeting any one of the following conditions<sup>13</sup>:

- Accepting contribution of any amount
- Spending any funds for the campaign (including personal funds)
- Paying a filing fee for any party nomination method
- Filing an ELECT-501 certificate of candidate qualification
- Appointing a campaign treasurer; designating a campaign committee or bank account

### 17.6.1.3 How to Amend an SOO



The committee has **10 days** from the date of any change to their current statement of organization to submit an amended statement of organization with new information.<sup>14</sup> A candidate can amend an SOO by filing an amendment in COMET.

### 17.6.1.4 How to Process an SOO

Upon receipt of the **CDFA-947.1 Statement of Organization form for candidates**, ELECT reviews most of the form for completeness. The general registrar must only review the committee activity dates section to determine the correct start date (and confirm that ELECT has created an accurate filing schedule).

- If the statement is “New,” check to make sure that none of the dates of activity are more than 10 days prior to the receipt of the statement.
- If it has been more than 10 days since one of the dates provided, a penalty for late filing should be assessed.
- If there are no dates provided in the campaign activity sections, the date of submission of the SOO is considered the filing start date, because it is considered the date the campaign treasurer was named.
  - An SOO is not considered incomplete if some or all of the campaign activity sections are missing a date.
- Under new legislation approved in 2024 (HB 1346/SB 577), candidates for soil and water conservation director may seek an exemption from designating a campaign depository on the SOO<sup>15</sup>; the exemption is applied

<sup>12</sup> See Code of Virginia §[24.2-945.1](#).

<sup>13</sup> See Code of Virginia §[24.2-947.1](#).

<sup>14</sup> See Code of Virginia §[24.2-947.1\(D\)](#).

<sup>15</sup> See Code of Virginia § 24.2-948.1(C).



for in the same manner as the general reporting exemption for local candidates. *See Section 17.6.6 for more information.*

### 17.6.2 Scheduled Disclosure Reports

Scheduled disclosure reports are the most detailed reports that committees must file. These periodic reports disclose contributions received and expenditures made during certain time periods. Virginia laws emphasize transparency and aim to ensure an educated public.

#### 17.6.2.1 When Are Reports Due



The reporting schedule for a campaign committee is determined by the election cycle associated with the office that the candidate is running for and the date of the election. The Code provides generalized reporting schedules for candidates in the November General Election<sup>16</sup> and special elections.<sup>17</sup> The Department of Elections provides a yearly schedule of specific candidate reporting deadlines on its website.<sup>18</sup>

Filings on COMET must be made by 11:59 p.m. on the filing deadline date.

If a candidate has more than one candidate committee open, all committees must file scheduled disclosure reports for all open committees on the same schedule as the active candidate committee. ELECT will sync those committee schedules.

#### 17.6.2.2 How to Process Reports

The general registrar receives and reviews campaign finance reports as outlined in this Chapter.<sup>19</sup>

Reports by local or constitutional candidates will be forwarded to the appropriate locality. The email will include the date the report was submitted, whether or not it was timely, and a link to the report found on the ELECT website to assist the responsible local election official in cataloging and reviewing the report. COMET automatically acknowledges the receipt of electronically filed reports with an e-mail to the committee.

### 17.6.3 Large Pre-Election Contribution Reporting

**Candidates for local or constitutional offices** must file a large pre-election contribution report if they receive a contribution exceeding \$500 in the eleven days before a nomination or election for which the individual is a candidate.<sup>20</sup>

**Candidates running unopposed in a non-primary nominating event** are not required to file large pre-election reports in relation to the nominating event, but still must file such reports required by Code in relation to the date of a primary election, regardless of whether they are on the ballot in the primary election.<sup>21</sup>

<sup>16</sup> See Code of Virginia §[24.2-947.6](#).

<sup>17</sup> See Code of Virginia §[24.2-947.8](#).

<sup>18</sup> See *Campaign Filing Schedule*.

<sup>19</sup> See Code of Virginia §[24.2-946.3\(C\)](#).

<sup>20</sup> See Code of Virginia §[24.2-947.9](#).

<sup>21</sup> *Id.*



**Deadline to file the report** is no later than 11:59 p.m. on the day following receipt or 11:59 p.m. Monday if a contribution is received on a Saturday.<sup>22</sup> If a contribution is received within the 24-hour period before the election, the contribution must be reported by 11:59 p.m. on the day before the election.<sup>23</sup> The contributions shown on these reports must also be reported on the candidate's next scheduled report.

#### 17.6.4 Independent Expenditure Reports

An independent expenditure is an expenditure made without coordination or involvement of the candidate supported or opposed. "Coordinated or Coordination" is defined as action taken (i) at the express request or suggestion of a candidate, a candidate's campaign committee, or an agent of the candidate or his campaign committee; or (ii) with material involvement of the candidate, a candidate's campaign committee, or an agent of the candidate or his campaign committee in devising the strategy, content, means of dissemination or timing of the expenditure.<sup>24</sup> The Code definition does not require that the candidate have knowledge of the expenditure.

##### 17.6.4.1 When Independent Expenditure Reports Due

Persons, candidate campaign committees, and political committees are required to submit independent expenditure reports<sup>25</sup> after making an independent expenditure that has exceeded the aggregate of \$200 for the election cycle in relation to a local election.<sup>26</sup> This is an aggregate of all independent expenditures and not aggregated solely on a candidate-by-candidate basis.



Expenditure reports are due within 24 hours after the funds are expended, or 24 hours after advertising materials are published or broadcast to the public; whichever occurs first.

##### 17.6.4.2 Where to file Independent Expenditure Reports

Independent expenditure reports may be filed electronically or on paper.<sup>27</sup> Independent expenditures made to support or oppose a candidate for General Assembly or statewide office must be reported to ELECT. Independent expenditures made to support or oppose candidates for local and constitutional offices must be submitted to the local general registrar. Copies of any independent expenditure reports filed locally should be placed in the existing file for the candidate who is indicated on the report as being supported or opposed.

Pursuant to legislation approved in 2024 (HB 730/SB 692), all independent expenditure reports **must be filed electronically to ELECT as of July 1, 2025.**

<sup>22</sup> See Code of Virginia §§[24.2-947.9](#) and [949.6](#).

<sup>23</sup> See Code of Virginia §[24.2-947.9](#).

<sup>24</sup> See Code of Virginia §[24.2-945.1](#).

<sup>25</sup> Form CFDA-945.2 Independent Expenditure Report.

<sup>26</sup> See Code of Virginia §[24.2-945.2](#).

<sup>27</sup> *Id.*



### 17.6.5 Final Report

A final report closes out a committee and ends all reporting obligations. A committee must continue to file scheduled campaign finance reports on the appropriate schedule until a final report is filed indicating all debts for the committee have been paid and the committee's balance has been returned to zero.<sup>28</sup>

#### 17.6.5.1 When to File Final Report

All candidates are required to file a final report.<sup>29</sup> A candidate committee final report is due when one of the following occurs<sup>30</sup>:

- The candidate no longer seeks election to the same office in a successive election;
- The candidate seeks election to a different office; or
- The candidate is deceased.

A final report can be filed at any time, however, it should be filed as soon as possible after one of the triggering events listed above. Additionally, a candidate who is running for the same office in successive elections may keep their campaign account open.

#### 17.6.5.2 Disbursement of Surplus Funds

A committee is authorized to disburse surplus funds by the methods listed below:<sup>31</sup>

- Transfer to a future election for the candidate or to retire the deficit of the current campaign (or transfer to an affiliated organization in the case of a political party committee);
- Return to a contributor in an amount not to exceed the contributor's original contribution;
- Donation to any organization described in the Internal Revenue Code;<sup>32</sup>
- Contribution to one or more candidates or to any political committee;
- Contribution to any political party committee; or
- Defraying any ordinary, non-reimbursed expense related to the committee (or related to the elective office in the case of a candidate campaign committee).

No candidate may convert any contributed moneys, securities, or personal property to his personal use in the context of a final report.<sup>33</sup> Prohibited personal use extends to immediate family members.<sup>34</sup>

<sup>28</sup> See Code of Virginia §[24.2-948.4](#).

<sup>29</sup> Form CFDA-948.4 Final Report Cover Sheet.

<sup>30</sup> See Code of Virginia §[24.2-948.4](#).

<sup>31</sup> See Code of Virginia §[24.2-948.4\(D\)](#).

<sup>32</sup> See [26 USC § 170\(c\)](#).

<sup>33</sup> See Code of Virginia §[24.2-948.4\(D\)](#).

<sup>34</sup> *Id.*; See also Code of Virginia §[30-101](#) (definition of "immediate family").





### Written Explanation prepared by the Attorney General

Shortly after the passage of HB 125 during the 2010 legislative session, the Attorney General's office provided ELECT with a written explanation of the Campaign Finance Disclosure Act which prohibits "personal use." The explanation states that "immediately following [the] listed conditions for the disposal of excess campaign funds by a candidate [in § 24.2-948.4], the General Assembly specifically prohibits a candidate from converting "any contributed moneys, securities, or like intangible personal property to his personal use or to a member of the candidate's "immediate family" as that term is defined in § 30-101. "The General Assembly has clearly prohibited the personal use of campaign contributions by candidates, but only in the context of the filing of the required final campaign finance report." (See [Attorney General's Explanation of "Personal Use"](#), p. 2).

#### 17.6.5.3 Termination Statement

A *Termination Statement* must be completed in COMET. It indicates that all debts have been paid, all monies received and spent have been reported and, if surplus funds remain, the amount and disposition of those funds. The termination statement must be filed on paper even if the committee files their reports electronically.

#### 17.6.6 Local Candidate and Director of Soil and Water Reporting Exemption Request

A candidate for local office or for director of soil and water may request an exemption from filing scheduled campaign finance reports.<sup>35</sup> A candidate wishing to file an exemption must file the exemption form by paper with his general registrar. The general registrar will then scan and email a copy of the exempt form to ELECT where the filing schedule will be reset in COMET to allow for the Final Report to be filed electronically.

**Eligibility for Exemption.** The exemption applies if the candidate certifies the following:

- Has not and will not solicit or accept any contribution from any other person or PAC during the course of his campaign
- Has not and will not contribute to his own campaign more than \$1,000
- Has not and will not expend more than \$1,000 during his campaign
- Has and will comply with the requirements of CFDA

<sup>35</sup> See Code of Virginia §[24.2-948.1](#); Form CDFA-948.I Request for Exemption from Reporting Requirements.



**Other Reports Required by CFDA.** Even if a candidate is exempt from filing scheduled reports, (s)he is still required to file certain other reports required by CFDA. The candidate must still create a campaign committee by filing a statement of organization and opening a separate bank account (unless exempt). The committee must still file a special report for qualifying independent expenditures.<sup>36</sup> Also, committee must still file a special report for qualifying large pre-election contributions<sup>37</sup> by a candidate to his own campaign. Further, an exempt candidate must file a final report after the election.<sup>38</sup> A candidate claiming exemption is prohibited from taking office until a final report detailing activity since the beginning of the campaign is filed by his/her committee.<sup>39</sup>

**Request to Rescind Exemption.** A candidate who has received an exemption may, at any time, request that exemption be rescinded.<sup>40</sup> A candidate is required to do so before violating any of the terms of the exemption mentioned above. Once an exemption is rescinded the candidate's campaign committee will follow the appropriate reporting schedule for scheduled disclosure reports. The first scheduled report must show all the receipts and expenditures from the first activity date reported on the statement of organization.

## 17.7 RECORDS RETENTION



Campaign finance reports filed locally must be retained through the next general election for the office to which they pertain unless the candidate has filed a final report. Reports for terminating candidates must be retained at least one year after the final report is filed, or the next general election for the office to which they pertain. After expiration of the applicable retention period, the reports can be destroyed according to the instructions set forth by the Library of Virginia.<sup>41</sup> Please see Chapter 9 (Records Access and Retention) for more information.

## 17.8 PENALTIES

General registrars are required to assess penalties for certain violations of Chapter 9.3 of Title 24.2 by candidates required to file locally.<sup>42</sup> The Code of Virginia provides a range for the amount of each penalty but requires the State Board of Elections to provide uniform schedules for local election officials to follow in carrying out their responsibility to assess civil penalties for campaign finance report violations.<sup>43</sup> You can find schedules of civil penalties for each type of committee on the ELECT website, under Campaign Finance. **No local entity has the authority to waive or reduce these penalties.**<sup>44</sup>

<sup>36</sup> See Code of Virginia §[24.2-945.2](#).

<sup>37</sup> See Code of Virginia §[24.2-947.9](#).

<sup>38</sup> See Code of Virginia §[24.2-948.1\(B\)](#).

<sup>39</sup> See Code of Virginia §§[24.2-948.1](#) and [948.4](#).

<sup>40</sup> See Code of Virginia §[24.2-948.1](#); see also Form CFDA-948.1R Rescind Request for Exemption from Reporting Requirements.

<sup>41</sup> See Library of Virginia General Retention Schedules for Localities - Voter Registration and Elections ([GS-01](#)).

<sup>42</sup> See Code of Virginia §[24.2-946.3\(D\)](#).

<sup>43</sup> See Code of Virginia §[24.2-946.3\(I\)](#).

<sup>44</sup> See Code of Virginia §[24.2-946.3](#) (no election official or staff may waive or reduce such penalties, except as provided in the Code of Virginia §[24.2-946.3](#)).



Committees must make their checks payable to the treasurer of their locality for deposit to their general fund. The payment does not have to be received from the committee's bank account. Payment can come from any account.

### 17.8.1 Failure to File Report

The Code provides for a civil penalty not to exceed \$500 for failure to file a required report, and a penalty of \$1,000 for each subsequent failure to file in the same election cycle.<sup>45</sup> Notices of penalties are provided via certified letter by the State Board or general registrar. Failure to file the required report and pay the assessed penalty within 60 days of receipt of the letter will result in referral to the appropriate attorney for the Commonwealth.

If delivery of the certified letter to the committee's primary mailing address is returned undeliverable or the recipient refused to sign, then the matter shall immediately be referred to the appropriate attorney for the Commonwealth by the general registrar.

### 17.8.2 Late Report

If a required report or statement is not filed at the conclusion of a filing deadline, the general registrar is required to assess a penalty. The State Board of Elections imposes an initial late report penalty of \$100. The Code provides that for each subsequent late report in the same election cycle the general registrar must assess a penalty of \$1000.<sup>46</sup>

The general registrar must notify the committee of civil penalty and collection procedures via email or regular postal mail (see Appendix A). If the payment is not received within 60 days of the deadline, the matter is referred to the appropriate Commonwealth's attorney for collection.<sup>47</sup>

### 17.8.3 Incomplete Reports

If any required information is not included or the report is not completed properly, the report is incomplete.<sup>48</sup> However, some missing information does not necessarily mean that a report should be considered incomplete for the purpose of levying a civil penalty. The State Board has adopted a "Best Efforts" policy which holds that campaign finance reports are not considered incomplete if:

Less than 20% of contributors are missing required information on Schedule A or Schedule B; or less than 20% of any other itemized information does not include the required information (For example, if there are 100 itemized contributors on Schedule A, then no more than 20 of those contributors can have missing information).

If this condition does not apply, the report is considered incomplete and the general registrar should proceed as follows:

<sup>45</sup> See Code of Virginia [§24.2-953.1](#).

<sup>46</sup> See Code of Virginia [§24.2-953.2](#).

<sup>47</sup> See SBE Policy [2010-001](#) *Delinquent Civil Penalties to Commonwealth's Attorney*.

<sup>48</sup> See Campaign Finance Laws and Policies Summaries.



- Prepare a certified letter to the committee that outlines the omissions found in the report.
  - See Template C in the Appendix below.
  - The letter should state that an amended report must be received within ten days of mailing the letter or a civil penalty of \$100 will be assessed.<sup>49</sup>
  - Due to the short amount of time involved, it is recommended that the general registrar also attempt to contact the committee via email or telephone to ensure they receive the necessary information.
- Send the letter by Certified Mail – Return Receipt Requested.<sup>50</sup>
- Preserve a copy of the letter and the stamped USPS receipt for certified mail.

The committee must amend the report by the due date or request additional time. Extensions of no more than 14 days can be granted by the general registrar.<sup>51</sup> If the committee fails to amend their report in a timely fashion, a \$100 penalty should be assessed.<sup>52</sup> The Code provides that for each subsequent incomplete report in the same election cycle the general registrar must assess a penalty of \$1000.<sup>53</sup> The general registrar should increase the amount of the penalty by \$500 every 60 days until a fully compliant filing is made.<sup>54</sup> However, the civil penalty imposed for incompleteness relative to any single report should not exceed \$500 “unless the total of the filer’s reportable contributions or the total of the filer’s reportable expenditures is \$10,000 or more.”<sup>55</sup>

## 17.9 POLITICAL ADVERTISEMENTS

The law commonly known as “Stand By Your Ad” (SBYA) is found in Chapter 9.5 of Title 24.2 of the Code and contains the requirements for disclaimers on political advertisements.<sup>56</sup> In contrast to campaign finance reports, the law does not impose any duty on local election officials to report or sanction possible advertising violations. Please refer those with questions on the content and requirements of the law to Chapter 9.5 of the Code of Virginia and the various campaign finance law summary documents that can be found on the ELECT website.<sup>57</sup>

<sup>49</sup> See Code of Virginia §[24.2-953.3\(B\)](#).

<sup>50</sup> See Code of Virginia §[24.2-101.01](#) (subsequent identical mail can be sent by regular mail).

<sup>51</sup> See Code of Virginia §[24.2-953.3\(D\)](#).

<sup>52</sup> See Campaign Finance Laws and Policies Summaries.

<sup>53</sup> See Code of Virginia §[24.2-953.3\(F\)](#).

<sup>54</sup> See Code of Virginia §[24.2-953.3\(E\)](#).

<sup>55</sup> See Code of Virginia §[24.2-953.3\(A\)](#).

<sup>56</sup> See Code of Virginia §[24.2-955 et seq.](#)

<sup>57</sup> See Campaign Finance Laws and Policies Summaries.



**Policy (and Law) Note**

All complaints related to failure to properly disclose political advertisements should be referred to the State Board of Elections which has sole authority to assess civil penalties under SBYA. The State Board may also refer possible willful violations to the appropriate Commonwealth's attorney for investigation. See the Code of Virginia §24.2-955.3(D).

## APPENDIX A: LETTER TEMPLATES

The following are recommendations for letters to be sent to delinquent committees.

### Template A: Unfiled Statement of Organization

Candidate/Committee

Address Line 1

Address Line 2

City, VA Zip Code

Dear Filer:

A statement of organization is required to be submitted within 10 days of undertaking any of the actions referenced in § 24.2-947.1 of the Code of Virginia. Our records indicate that your Statement of Organization is past due.

The § 24.2-947.1 also requires that a civil penalty be imposed for failure to file a Statement of Organization within 10 days.

As a result, the [name of locality] general registrar must assess a penalty in the amount of [penalty amount]. Please make your check payable to the treasurer of [name of locality] and forward this payment to the [name of locality] office of the general registrar within 10 business days. If payment is not received within 30 days, [name of locality] general registrar will be required to forward this matter to the appropriate Commonwealth's attorney who must initiate proceedings for its collection. The Statement of Organization must be filed within ten (10) business days from the date of this letter.

If you feel that you have received this letter in error or if you have any further questions, please feel free to contact our office at [phone number].

Sincerely,



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Staff Name  
Staff Title

## Template B: Late Filing

Candidate/Committee

Address Line 1

Address Line 2

City, VA Zip Code

Dear Candidate/Committee:

A careful review of our records shows that [committee name] filed its report on [submission date] which was after the report's required deadline of [report due date].

According to the civil penalty schedule adopted by the State Board of Elections, the committee must be assessed a penalty of \$100 for not submitting the required campaign finance report by the deadline. Any additional late reports during this election cycle will result in a \$1000 fine.

Finally, the failure to pay the civil penalty within 60 days of the deadline for this filing period will result in the [name of locality] general registrar requesting the Commonwealth's attorney to enforce collection.

| Filing Period Ending              | Report Deadline | Assessed Penalty |
|-----------------------------------|-----------------|------------------|
|                                   |                 |                  |
| Invoice Number : TOTAL AMOUNT DUE |                 |                  |

Please make your check in the amount of [amount fined] payable to the treasurer of [name of locality]. Please reference invoice number [fine ID] and forward this payment to the [name of locality] office of the general registrar.

If you feel that you require additional information or have received this letter in error, please contact our office as soon as possible at [phone number].

Sincerely,

Staff Name

Staff Title

## Template C: Incomplete Report

Candidate/Committee

Address

City, State Zip Code

Dear Filer:

This letter acknowledges receipt of your campaign's [type of report] dated [date report was submitted]. Though filed timely, this report has been reviewed and found to be incomplete. The report is missing the following information required by Virginia Code § 24.2-947.4:

| Incomplete Required Information          | Date Amended Report Due  |
|--|--|
| [description of the missing information] | [Month, Day, Year]<br>(10 days from the mailing of the letter) |

Your committee has until the date listed above to re-file the aforementioned completed report, or you will be subject to a civil penalty as established in Virginia Code § 24.2-953.3.

Please be advised that the penalties required to be assessed for late or incomplete filings are detailed in the *Candidate Campaign Committee Summary of Laws and Policies* which can be found at the Department of Elections' website: [elections.virginia.gov](https://elections.virginia.gov). If you have any questions you may contact this office at [phone number].

Sincerely,

Staff Name

Staff Title

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Template D: Letter to Commonwealth's Attorney

Commonwealth's Attorney

Address Line 1

Address Line 2

City, VA Zip Code

Dear Commonwealth's Attorney:

As required by § 24.2-946.3 of the Code of Virginia, I am hereby notifying you that [name of campaign committee] has failed to file required reports and has not made payment on a subsequently assessed civil penalty after being duly notified and given an extended opportunity to do so. This office assessed the committee a penalty totaling [penalty amount].

This matter is referred to you for your review. I ask that you please institute proceedings for the collection of the civil penalties assessed and, if you deem it appropriate, prosecution of a Class 1 misdemeanor as provided by § 24.2-953 et seq. of the Code. Civil penalties collected are to be made payable to the treasurer of the [name of locality] and must be forwarded to this office for deposit.

We appreciate your attention to this matter. If you require further information, you may contact the general registrar's office at [GR office phone number].

Sincerely,

Staff Name

Staff Title