



★ VIRGINIA ★
DEPARTMENT
of ELECTIONS



★ VIRGINIA ★
STATE BOARD
of ELECTIONS

Protocol for Handling Campaign Finance Complaints

General Overview

- **Title 24.2 Elections**
 - Chapter 9.3
 - AKA: The Campaign Finance Disclosure Act
 - Financial disclosure
 - Chapter 9.5: Advertisement Disclosure
 - AKA: Stand By Your Ad
 - Advertisement disclosure

Overview of Responsibilities

- **Board responsibilities under Chapter 9.3**
 - Provide instructions for the assessment and collection of penalties
 - Determine the schedule of civil penalties
 - Approve various campaign finance forms
 - Waive fines against political committees
 - Extend filing deadlines

Overview of Responsibilities

- **Board responsibilities under Chapter 9.5**
 - Determine, in a public hearing, whether to find a violation of Chapter 9.5 and assess a civil penalty.

Penalty Process: Chapter 9.3

- **Only registered political entities**
 - Candidate committees
 - PACs
 - Party committees
 - Referendum committees
- **Required reports**
 - Regular disclosure reports
 - Special reports

Penalty Process: Chapter 9.3

- **Penalty categories**
 - Late filing
 - No report is filed by the required deadline
 - Failure to file
 - No report is filed 60 days after the required deadline
 - Commonwealth’s attorney is also notified
 - Incomplete
 - Missing information required by code upon a prima facie inspection.
 - Notice and time to amend required.

Complaints: Chapter 9.3

- **3rd party complaints**
 - Commonwealth’s attorney
 - § 24.2-1019. Complaints and allegations concerning election law offenses.
- **Filer complaints**
 - Candidates: no waiver available.
 - Political committees: may request waiver at next Board meeting.
 - All committees: improperly levied fines may be rescinded.

Considerations: Chapter 9.3

- **Schedule of penalties**
- **Penalty categories**
 - Late vs. failure
 - Incomplete

Complaints: Chapter 9.5

- **3rd party complaint**
- **Criteria**
 - Not anonymous
 - Related to advertisement disclosure
 - Phone calls
 - Broadcast media: radio, TV
 - Print media: newspaper, internet*, yard signs**, etc
 - Allegation is accompanied by evidence

Penalty Process: Chapter 9.5

- **Held until after the relevant election**
- **Accused is notified of public hearing**
- **Hearing**
 - Board hears complaint and evidence
 - Board hears accused
 - Board decides whether a violation occurred
 - Board assesses an appropriate penalty

Considerations: Chapter 9.5

- **Initial handling of complaints**
 - Board or Department
 - Criteria
- **Timing of hearings**
 - After the relevant election
 - Next meeting
- **Standards**
 - Evidence
 - Penalties

Questions?
