



*COMMONWEALTH of VIRGINIA*  
*STATE BOARD OF ELECTIONS*

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June 10, 2009

Delegate Onzlee Ware  
325 North Jefferson Street  
Roanoke, VA 24016

RE: Request for Documentation

Delegate Ware:

On May 19, 2009, we received a complaint from Mark Powell questioning expenditures reported by your campaign committee. An actual copy of the complaint is included. At this time, there are four possible issues that fall under the Campaign Finance Disclosure Act:

1. The use of the term “Reimbursement” as the sole description of goods or services,
2. Aggregate reimbursements,
3. Round numbers seem suspicious, and
4. Payee listed as “cash”

Reimbursement Descriptions

Review of your past filings discloses expenditures that were listed as “Reimbursement” paid to you and authorized by you. While § 24.2-947.2 of the Code of Virginia allows reimbursement, our published guidance makes clear that an adequate description must be included in order that a report may be considered complete: “In no case should the treasurer enter simply “reimbursement” in the item or service column. The report must be as descriptive as possible.” See [http://www.sbe.virginia.gov/cms/Campaign\\_Finance/Cidate\\_Summary\\_-\\_03-09-2009.pdf](http://www.sbe.virginia.gov/cms/Campaign_Finance/Cidate_Summary_-_03-09-2009.pdf) (Page 34). Please provide a description for each of the expenditures listed as “Reimbursement.”

Aggregate Reimbursements

Reimbursements for multiple expenditures may be aggregated where the description covers expenditures of the same nature by the same person. Alternatively, you may list the entity that was paid initially on the date in which the original expenditure was made. This is similar to how

credit card expenditures are reported. See

[http://www.sbe.virginia.gov/cms/Campaign\\_Finance/Cidate\\_Summary\\_-\\_03-09-2009.pdf](http://www.sbe.virginia.gov/cms/Campaign_Finance/Cidate_Summary_-_03-09-2009.pdf) (Page 34). If the descriptions requested above do not cover all of the expenditures which are currently aggregated on your report, please list each expenditure and description separately.

#### Expenditure Amounts

Expenditure amounts must be accurate and not rounded... While it may be feasible for the aggregate of several transactions or one single transaction to total a round amount such as \$350 or \$500, it is not very probable. Please provide receipts for the expenditures in the attached table. If the amount of the expenditures is not accurate, please amend your reports.

If you accepted a partial reimbursement for an expense, your report should contain an expenditure for your reimbursement and an in-kind contribution for the balance that you covered... For example, if a candidate spent \$113 on campaign supplies but was only reimbursed for \$100, the report should show a reimbursement of \$100 and an in-kind contribution from the candidate of \$13.

#### Payee Names

Finally, there is an expenditure listing the payee as "Cash", authorized by you, with the description "Polls." Expenditures must list, "...The name and address of the person paid..." (§ 24.2-947.4. (C)).

Section 24.2-946.3(E) authorizes the Board to "...request additional information to correct obvious mathematical errors and to fulfill the requirements for information on the reports." The Code requires in § 24.2-947.2 (B) (iii), "...fully documented ... complete records of the expenditure, maintained as required by this chapter, and including receipts identifying the nature of the expenses and the names and addresses of each person paid by the recipient of the reimbursement." Based on the foregoing, the State Board staff requests that you provide no later than June 22, 2009, amended reports with supporting receipts and documentation for:

- all expenditures described as "Reimbursement;"
- the expenditure in which the payee is listed as "Cash;" and
- the description listed as "Polls."

The reports and documentation will be reviewed and a determination will be made to request further information, assess civil penalties or refer the matter to the State Board of Elections.

Section 24.2-953.3 provides for civil penalties not to exceed \$1,000, depending on the length of time before the reports are submitted with all required information. Both the candidate and the treasurer are joint and several liabilities for the incomplete reports.

Should staff refer the matter to the Board, they will present the complaint to the Board along with your response and their recommendation. You will be notified prior to the meeting that will include this matter on the agenda.

As required by § 24.2-953.3(B), the State Board of Elections is providing you the opportunity to respond prior to assessing civil penalties. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "J. David Allen", is centered below the word "Sincerely,". The signature is fluid and cursive.

J. David Allen, MPA  
Campaign Finance Manager

Attachments

cc: Nancy Rodrigues, Secretary, State Board of Elections  
Clarke H. Curtis, Treasurer - Ware for House of Delegates