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## SENATE BILL NO. 1247

Offered January 12, 2011

Prefiled January 12, 2011

A *BILL to amend and reenact §§ 2.2-423 and 2.2-3118 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 47.1-5.1, relating to the Secretary of the Commonwealth; acceptance of certain electronic signatures.*

Patron—Vogel

Referred to Committee on General Laws and Technology

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-423 and 2.2-3118 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 47.1-5.1 as follows:**

§ 2.2-423. Contents of registration statement.

A. The registration statement shall be on a form provided by the Secretary of the Commonwealth and include the following information:

1. The name and business address and telephone number of the lobbyist;
2. The name and business address and telephone number of the person who will keep custody of the lobbyist's and the lobbyist's principal's accounts and records required to comply with this article, and the location and telephone number for the place where the accounts and records are kept;
3. The name and business address and telephone number of the lobbyist's principal;
4. The kind of business of the lobbyist's principal;
5. For each principal, the full name of the individual to whom the lobbyist reports;
6. For each principal, a statement whether the lobbyist is employed or retained and whether exclusively for the purpose of lobbying;
7. The position held by the lobbyist if he is a part-time or full-time employee of the principal;
8. The full name and business address and telephone number of each lobbyist employed by or representing the lobbyist's principal;
9. An identification of the subject matter (with as much specificity as possible) with regard to which the lobbyist or lobbyist's principal will engage in lobbying; and

10. The signed statement ~~by~~ of the lobbyist, *which shall be signed either originally or by electronic signature as authorized by the Uniform Electronic Transactions Act (§ 59.1-479 et seq.),* that the information contained on the registration statement is true and correct.

B. Whenever any change, modification or addition to his status as a lobbyist is made, the lobbyist shall, within one week of such change, modification or addition, furnish full information regarding the same to the Secretary of the Commonwealth on forms provided by the Secretary.

C. The Secretary of the Commonwealth shall furnish a copy of this article to any individual offering to register as a lobbyist and shall mail by certified mail a copy of this article and a copy of the information furnished by the lobbyist to the person whom the lobbyist represents to be his principal.

D. If the principal to whom the information is sent under subsection C does not, within ~~ten~~ 10 days of such mailing, file an affidavit, signed by the person or duly authorized agent of the person, denying that the lobbyist appears on his behalf, such person shall be deemed to have appointed the Secretary of the Commonwealth his agent for service of process in any prosecution arising for violation of this article. If such affidavit is filed, the Secretary shall notify the attorney for the Commonwealth of the City of Richmond.

§ 2.2-3118. Disclosure form; certain citizen members.

A. The financial disclosure form to be used for filings required pursuant to subsection B of § 2.2-3114 and subsection B of § 2.2-3115 shall be *signed by the filer either originally or by electronic signature as authorized by the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). The financial disclosure form shall be* substantially as follows:

**DEFINITIONS AND EXPLANATORY MATERIAL.**

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Close financial association" means an association in which the person filing shares significant financial involvement with an individual and the filer would reasonably be expected to be aware of the individual's business activities and would have access to the necessary records either directly or through the individual. "Close financial association" does not mean an association based on (i) the receipt of

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SB1247

59 retirement benefits or deferred compensation from a business by which the person filing this statement is  
 60 no longer employed, or (ii) the receipt of compensation for work performed by the person filing as an  
 61 independent contractor of a business that represents an entity before any state governmental agency  
 62 when the person filing has no communications with the state governmental agency.

63 "Contingent liability" means a liability that is not presently fixed or determined, but may become  
 64 fixed or determined in the future with the occurrence of some certain event.

65 "Immediate family" means (i) a spouse and (ii) any other person residing in the same household as  
 66 the filer, who is a dependent of the filer or of whom the filer is a dependent.

67 "Dependent" means any person, whether or not related by blood or marriage, who receives from the  
 68 filer, or provides to the filer, more than one-half of his financial support.

69 "Personal interest" means, for the purposes of this form only, a personal and financial benefit or  
 70 liability accruing to a filer or a member of his immediate family. Such interest shall exist by reason of  
 71 (i) ownership in real or personal property, tangible or intangible; (ii) ownership in a business; (iii)  
 72 income from a business; or (iv) personal liability on behalf of a business; however, unless the ownership  
 73 interest in a business exceeds three percent of the total equity of the business, or the liability on behalf  
 74 of a business exceeds three percent of the total assets of the business, or the annual income, and/or  
 75 property or use of such property, from the business exceeds \$10,000 or may reasonably be anticipated to  
 76 exceed \$10,000, such interest shall not constitute a "personal interest."

77 Name .....

78 Office or position held or to be held

79 .....

80 Address .....

# 81 I. FINANCIAL INTERESTS

82 My personal interests and those of my immediate family are as follows:

83 Include all forms of personal interests held at the time of filing: real estate, stocks, bonds, equity  
 84 interests in proprietorships and partnerships. You may exclude:

85 1. Deposits and interest bearing accounts in banks, savings institutions and other institutions  
 86 accepting such deposits or accounts;

87 2. Interests in any business, other than a news medium, representing less than three percent of the  
 88 total equity value of the business;

89 3. Liability on behalf of any business representing less than three percent of the total assets of such  
 90 business; and

91 4. Income (other than from salary) less than \$10,000 annually from any business. You need not state  
 92 the value of any interest. You must state the name or principal business activity of each business in  
 93 which you have a personal interest.

94 A. My personal interests are:

95 1. Residence, address, or, if no address, location .....

96 2. Other real estate, address, or, if no address, location .....

97 3. Name or principal business activity of each business in which stock, bond or equity interest is  
 98 held .....

99 B. The personal interests of my immediate family are:

100 1. Real estate, address or, if no address, location .....

101 2. Name or principal business activity of each business in which stock, bond or equity interest is  
 102 held .....

# 103 II. OFFICES, DIRECTORSHIPS AND SALARIED EMPLOYMENTS

104 The paid offices, paid directorships and salaried employments which I hold or which members of my  
 105 immediate family hold and the businesses from which I or members of my immediate family receive  
 106 retirement benefits are as follows:

107 (You need not state any dollar amounts.)

108 A. My paid offices, paid directorships and salaried employments are:

109 \_\_\_\_\_

110 \_\_\_\_\_

111 Position held Name of business

112 \_\_\_\_\_

113 \_\_\_\_\_

114 \_\_\_\_\_

115 \_\_\_\_\_

116 B. The paid offices, paid directorships and salaried employments of members of my immediate  
 117 family are:

118 \_\_\_\_\_

119 \_\_\_\_\_

Position held

Name of business

## III. BUSINESSES TO WHICH SERVICES WERE FURNISHED

A. The businesses I have represented, excluding activity defined as lobbying in § 2.2-419, before any state governmental agency, excluding any court or judge, for which I have received total compensation in excess of \$1,000 during the preceding year, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers, are as follows:

Identify businesses by name and name the state governmental agencies before which you appeared on behalf of such businesses.

Name of business

Name of governmental agency

B. The businesses that, to my knowledge, have been represented, excluding activity defined as lobbying in § 2.2-419, before any state governmental agency, excluding any court or judge, by persons with whom I have a close financial association and who received total compensation in excess of \$1,000 during the preceding year, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers, are as follows:

Identify businesses by type and name the state governmental agencies before which such person appeared on behalf of such businesses.

Type of business

Name of state governmental agency

C. All other businesses listed below that operate in Virginia to which services were furnished pursuant to an agreement between you and such businesses and for which total compensation in excess of \$1,000 was received during the preceding year:

Check each category of business to which services were furnished.

Electric utilities

Gas utilities

Telephone utilities

Water utilities

Cable television companies

Intrastate transportation companies

Interstate transportation companies

Oil or gas retail companies

Banks

Savings institutions

Loan or finance companies

Manufacturing companies (state type

of product, e.g., textile, furniture,

etc.)

Mining companies

Life insurance companies

Casualty insurance companies

Other insurance companies

Retail companies

178 Beer, wine or liquor companies or  
 179 distributors \_\_\_\_\_  
 180 Trade associations \_\_\_\_\_  
 181 Professional associations \_\_\_\_\_  
 182 Associations of public employees or  
 183 officials \_\_\_\_\_  
 184 Counties, cities or towns \_\_\_\_\_  
 185 Labor organizations \_\_\_\_\_  
 186 \_\_\_\_\_

#### 187 IV. COMPENSATION FOR EXPENSES

188 The persons, associations, or other sources other than my governmental agency from which I or a  
 189 member of my immediate family received remuneration in excess of \$200 during the preceding year, in  
 190 cash or otherwise, as honorariums or payment of expenses in connection with my attendance at any  
 191 meeting or other function to which I was invited in my official capacity are as follows:  
 192 \_\_\_\_\_

193	194	195	196
	Name of Source	Description of occasion	Amount of remuneration for each occasion
197	_____	_____	_____
198	_____	_____	_____
199	_____	_____	_____

200 B. The provisions of Part III A and B of the disclosure form prescribed by this section shall not be  
 201 applicable to officers and employees of local governmental and local advisory agencies.

202 C. Except for real estate located within the county, city or town in which the officer or employee  
 203 serves or a county, city or town contiguous to the county, city or town in which the officer or employee  
 204 serves, officers and employees of local governmental or advisory agencies shall not be required to  
 205 disclose under Part I of the form any other interests in real estate.

206 § 47.1-5.1. Application for recommission.

207 For persons already commissioned as notaries public or electronic notaries public pursuant to this  
 208 title and who are submitting application for recommission as a notary or electronic notary, the  
 209 Secretary may accept electronic signatures, authorized by the Uniform Electronic Transactions Act (§  
 210 59.1-479 et seq.), as confirmation that the application has been signed and sworn pursuant to § 47.1-5.