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## SENATE BILL NO. 1400

Offered January 22, 2015

A BILL to amend the Code of Virginia by adding in Chapter 9.3 of Title 24.2 an article numbered 3.1, consisting of sections numbered 24.2-948.5 through 24.2-948.9, and by adding in Article 8 of Chapter 9.3 of Title 24.2 a section numbered 24.2-953.6, relating to campaign finance; campaign contribution limits; civil penalty.

Patron—Petersen

Referred to Committee on Privileges and Elections

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

1. That the Code of Virginia is amended by adding in Chapter 9.3 of Title 24.2 an article numbered 3.1, consisting of sections numbered 24.2-948.5 through 24.2-948.9, and by adding in Article 8 of Chapter 9.3 of Title 24.2 a section numbered 24.2-953.6 as follows:

*Article 3.1.**Contribution Limits.***§ 24.2-948.5. Limits on contributions to candidates for statewide office and the General Assembly.**

A. No person, other than a political party committee or political action committee, shall make any single contribution or any combination of contributions that exceeds \$20,000 to any one candidate for Governor, Lieutenant Governor, Attorney General, or the General Assembly in any one election cycle. No political action committee shall make any single contribution or any combination of contributions that exceeds \$50,000 to any one candidate for Governor, Lieutenant Governor, Attorney General, or the General Assembly in any one election cycle. For purposes of this section, "election cycle" has the meaning set forth in § 24.2-947.

B. No person, other than a political party committee or political action committee, shall make any single contribution or any combination of contributions that exceeds \$10,000 to any one candidate for Governor, Lieutenant Governor, Attorney General, or the General Assembly in a primary or other method of political party nomination immediately preceding the general or special election. No political action committee shall make any single contribution or any combination of contributions that exceeds \$25,000 to any one candidate for Governor, Lieutenant Governor, Attorney General, or the General Assembly in a primary or other method of political party nomination immediately preceding the general or special election.

C. No candidate shall solicit or accept contributions in excess of the limits set forth in this section.

D. The limits on contributions set forth in this section shall not apply to contributions by (i) the candidate to his own campaign; (ii) the candidate's spouse, children, parents, or siblings to his campaign; or (iii) a political party committee to the candidate.

E. For purposes of this article, "candidate" means the candidate, the candidate's treasurer, and the candidate's campaign committee. Any contribution to the candidate's treasurer or campaign committee shall be deemed to be a contribution to the candidate.

F. The limits set forth in this section shall apply without regard to whether the candidate is opposed or unopposed in the election or nomination process.

G. A contributor may designate all or a portion of a contribution made by him during the 60 days following the primary date as a contribution for the primary or other nomination process. Contributions made after the primary date shall be deemed contributions for the general or special election unless otherwise designated as provided in this subsection.

H. A candidate who is defeated in the primary or nomination process and has a campaign deficit may continue to accept contributions to retire the deficit subject to the limits applicable to the primary or other nomination process.

I. The candidate shall report separately (i) contributions received prior to the primary date or designated for the primary or other nominating method pursuant to subsection G and (ii) contributions received after the primary date and not so designated. Candidates may otherwise maintain records of receipts and expenditures for the campaign both before and after the primary date on a continuing basis.

J. Any contribution or portion thereof returned within 60 days after receipt shall not be deemed to be a contribution for the purposes of applying the limits set forth in this section.

**§ 24.2-948.6. Prohibition on indirect contributions.**

For purposes of applying the contribution limits set forth in § 24.2-948.5, all direct or indirect contributions made by a person to benefit a candidate, including any contributions that are knowingly

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59 *earmarked or otherwise directed through any other person, political committee, political party*  
60 *committee, or political action committee, shall be deemed to be contributions from such person to such*  
61 *candidate.*

62 **§ 24.2-948.7. Aggregation of contributions.**

63 *For purposes of applying the contribution limits set forth in § 24.2-948.5:*

64 *1. All contributions made by a person or political action committee whose contribution or*  
65 *expenditure activity is financed, maintained, or controlled by the same corporation, labor organization,*  
66 *association, or any other person, including a parent, subsidiary, branch, division, department, or local*  
67 *unit of such corporation, labor organization, association, or any other person, or by any group of such*  
68 *persons shall be deemed to be made by the same person or political action committee; and*

69 *2. For entities not described in subdivision 1, two or more entities shall be deemed to be a single*  
70 *entity sharing the same contribution limit if the entities (i) share the majority of members on their*  
71 *boards of directors and share two or more officers; (ii) are owned or controlled by the same majority*  
72 *shareholder or shareholders; (iii) are in a parent-subsidiary relationship; or (iv) have bylaws stating*  
73 *that one organization has the power to control the other.*

74 **§ 24.2-948.8. Attribution and aggregation of family contributions.**

75 *For purposes of applying the contribution limits set forth in § 24.2-948.5:*

76 *1. Contributions by spouses shall be deemed to be separate contributions and are aggregated per*  
77 *individual; and*

78 *2. Contributions by unemancipated children under 18 years of age shall be considered contributions*  
79 *by their parents and 50 percent of the contributions shall be attributed to each parent, or in the case of*  
80 *a single custodial parent, the total amount shall be attributed to the parent.*

81 **§ 24.2-948.9. Restrictions on loans.**

82 *Any loan to a candidate for Governor, Lieutenant Governor, Attorney General, or the General*  
83 *Assembly shall be deemed to be a contribution from the maker and the guarantor of the loan and is*  
84 *subject to the contribution limits set forth in § 24.2-948.5. A loan to a candidate or the candidate's*  
85 *campaign committee must be by written agreement. The proceeds of a loan made to a candidate shall*  
86 *not be subject to the contribution limits stated in § 24.2-948.5 if the loan is made by the candidate to*  
87 *his own campaign committee or is made by a commercial lending institution in the regular course of*  
88 *business and on the same terms ordinarily available to members of the public and is secured or*  
89 *guaranteed only by the candidate.*

90 **§ 24.2-953.6. Violation of contribution limits; civil penalty.**

91 *Any candidate for Governor, Lieutenant Governor, Attorney General, or the General Assembly whose*  
92 *campaign committee knowingly accepts, or any contributor who knowingly makes to such candidate,*  
93 *contributions in excess of the limits imposed in Article 3.1 (§ 24.2-948.5 et seq.) shall be subject to a*  
94 *civil penalty of up to two times the amount by which the contribution exceeds the limit.*