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HOUSE BILL NO. 1854

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice on February 3, 2017)

(Patron Prior to Substitute—Delegate Gilbert)

A BILL to amend and reenact §§ 2.2-419, 2.2-422, 2.2-423, 2.2-426, 2.2-430, 2.2-431, 2.2-3101, 2.2-3103.1, 2.2-3110, 2.2-3112, 2.2-3114, 2.2-3115, 2.2-3116, 2.2-3121, 2.2-4369, 24.2-502, 30-101, 30-103.1, 30-105, 30-106, 30-110, 30-124, 30-129.1, 30-356, and 30-356.2 of the Code of Virginia and to amend the Code of Virginia by adding in Article 5 of Chapter 31 of Title 2.2 a section numbered 2.2-3118.2 and by adding a section numbered 30-111.1, relating to lobbyist reporting, the State and Local Government Conflict of Interests Act, and the General Assembly Conflicts of Interests Act; filing of required disclosures; registration of lobbyists; candidate filings; judges; definition of gift; informal advice; civil penalties; technical amendments.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-419, 2.2-422, 2.2-423, 2.2-426, 2.2-430, 2.2-431, 2.2-3101, 2.2-3103.1, 2.2-3110, 2.2-3112, 2.2-3114, 2.2-3115, 2.2-3116, 2.2-3121, 2.2-4369, 24.2-502, 30-101, 30-103.1, 30-105, 30-106, 30-110, 30-124, 30-129.1, 30-356, and 30-356.2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 5 of Chapter 31 of Title 2.2 a section numbered 2.2-3118.2 and by adding a section numbered 30-111.1 as follows:

§ 2.2-419. Definitions.

As used in this article, unless the context requires a different meaning:

"Anything of value" means:

- 1. A pecuniary item, including money, or a bank bill or note;
- 2. A promissory note, bill of exchange, order, draft, warrant, check, or bond given for the payment of money;
- 3. A contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money;
- 4. A stock, bond, note, or other investment interest in an entity;
- 5. A receipt given for the payment of money or other property;
- 6. A right in action;
- 7. A gift, tangible good, chattel, or an interest in a gift, tangible good, or chattel;
- 8. A loan or forgiveness of indebtedness;
- 9. A work of art, antique, or collectible;
- 10. An automobile or other means of personal transportation;
- 11. Real property or an interest in real property, including title to realty, a fee simple or partial interest, present or future, contingent or vested within realty, a leasehold interest, or other beneficial interest in realty;
- 12. An honorarium or compensation for services;
- 13. A rebate or discount in the price of anything of value unless the rebate or discount is made in the ordinary course of business to a member of the public without regard to that person's status as an executive or legislative official, or the sale or trade of something for reasonable compensation that would ordinarily not be available to a member of the public;
- 14. A promise or offer of employment; or
- 15. Any other thing of value that is pecuniary or compensatory in value to a person.

"Anything of value" does not mean a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2.

"Compensation" means:

- 1. An advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money or anything of value; or
- 2. A contract, agreement, promise or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money or anything of value, for services rendered or to be rendered.

"Compensation" does not mean reimbursement of expenses if the reimbursement does not exceed the amount actually expended for the expenses and it is substantiated by an itemization of expenses.

"Council" means the Virginia Conflict of Interest and Ethics Advisory Council established in § 30-355.

"Executive action" means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection, or postponement by an executive agency or official of legislation or executive orders issued by the Governor. "Executive action" includes

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60 procurement transactions.

61 "Executive agency" means an agency, board, commission, or other body in the executive branch of  
62 state government. "Executive agency" includes the State Corporation Commission, the Virginia Workers'  
63 Compensation Commission, and the Virginia Lottery.

64 "Executive official" means:

65 1. The Governor;

66 2. The Lieutenant Governor;

67 3. The Attorney General;

68 4. Any officer or employee of the office of the Governor, Lieutenant Governor, or Attorney General  
69 other than a clerical or secretarial employee;

70 5. The Governor's Secretaries, the Deputy Secretaries, and the chief executive officer of each  
71 executive agency; or

72 6. Members of supervisory and policy boards, commissions and councils, as defined in § 2.2-2100,  
73 however selected.

74 "Expenditure" means:

75 1. A purchase, payment, distribution, loan, forgiveness of a loan or payment of a loan by a third  
76 party, advance, deposit, transfer of funds, a promise to make a payment, or a gift of money or anything  
77 of value for any purpose;

78 2. A payment to a lobbyist for salary, fee, reimbursement for expenses, or other purpose by a person  
79 employing, retaining, or contracting for the services of the lobbyist separately or jointly with other  
80 persons;

81 3. A payment in support of or assistance to a lobbyist or the lobbyist's activities, including the direct  
82 payment of expenses incurred at the request or suggestion of the lobbyist;

83 4. A payment that directly benefits an executive or legislative official or a member of the official's  
84 immediate family;

85 5. A payment, including compensation, payment, or reimbursement for the services, time, or expenses  
86 of an employee for or in connection with direct communication with an executive or legislative official;

87 6. A payment for or in connection with soliciting or urging other persons to enter into direct  
88 communication with an executive or legislative official; or

89 7. A payment or reimbursement for categories of expenditures required to be reported pursuant to  
90 this chapter.

91 "Expenditure" does not mean a campaign contribution properly received and reported pursuant to  
92 Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2.

93 "Fair market value" means the price that a good or service would bring between a willing seller and  
94 a willing buyer in the open market after negotiations. If the fair market value cannot be determined, the  
95 actual price paid for the good or service shall be given consideration.

96 "Gift" means anything of value, including any gratuity, favor, discount, entertainment, hospitality,  
97 loan, forbearance, or other item having monetary value, and includes services as well as gifts of  
98 transportation, local travel, lodgings, and meals, whether provided in-kind or by purchase of a ticket,  
99 payment in advance, or reimbursement after the expense has been incurred.

100 "Gift" does not mean:

101 1. Printed informational or promotional material;

102 2. A gift that is not used and, no later than 60 days after receipt, is returned to the donor or  
103 delivered to a charitable organization and is not claimed as a charitable contribution for federal income  
104 tax purposes;

105 3. A devise or inheritance;

106 4. A gift of a value of less than \$20;

107 5. Any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or  
108 pass is used;

109 6. Any food or beverages provided to an individual at an event at which the individual is performing  
110 official duties related to his public service;

111 7. Any food and beverages received at or registration or attendance fees waived for any event at  
112 which the individual is a featured speaker, presenter, or lecturer;

113 8. An unsolicited award of appreciation or recognition in the form of a plaque, trophy, wall  
114 memento, or similar item that is given in recognition of public, civic, charitable, or professional service;

115 9. Any gift to an individual's spouse, child, uncle, aunt, niece, nephew, or first cousin; a person to  
116 whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild,  
117 brother, sister, step-parent, step-grandparent, step-grandchild, step-brother, or step-sister; or the donee's  
118 brother's or sister's spouse or *the donee's son-in-law or daughter-in-law*;

119 10. Travel provided to facilitate attendance by a legislator at a regular or special session of the  
120 General Assembly, a meeting of a legislative committee or commission, or a national conference where  
121 attendance is approved by the House Committee on Rules or its Chairman or the Senate Committee on

122 Rules or its Chairman; or

123 11. Travel related to an official meeting of, *or any meal provided for attendance at such meeting by,*  
124 the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or  
125 any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated  
126 with such entity, to which such person has been appointed or elected or is a member by virtue of his  
127 office or employment; *or*

128 12. *Attendance at a reception or similar function where food, such as hors d'oeuvres, and beverages*  
129 *that can be conveniently consumed by a person while standing or walking are offered.*

130 "Immediate family" means (i) the spouse and (ii) any other person who resides in the same  
131 household as the executive or legislative official and who is a dependent of the official.

132 "Legislative action" means:

133 1. Preparation, research, drafting, introduction, consideration, modification, amendment, approval,  
134 passage, enactment, tabling, postponement, defeat, or rejection of a bill, resolution, amendment, motion,  
135 report, nomination, appointment, or other matter by the General Assembly or a legislative official;

136 2. Action by the Governor in approving, vetoing, or recommending amendments for a bill passed by  
137 the General Assembly; or

138 3. Action by the General Assembly in overriding or sustaining a veto by the Governor, considering  
139 amendments recommended by the Governor, or considering, confirming, or rejecting an appointment of  
140 the Governor.

141 "Legislative official" means:

142 1. A member or member-elect of the General Assembly;

143 2. A member of a committee, subcommittee, commission, or other entity established by and  
144 responsible to the General Assembly or either house of the General Assembly; or

145 3. Persons employed by the General Assembly or an entity established by and responsible to the  
146 General Assembly.

147 "Lobbying" means:

148 1. Influencing or attempting to influence executive or legislative action through oral or written  
149 communication with an executive or legislative official; or

150 2. Solicitation of others to influence an executive or legislative official.

151 "Lobbying" does not mean:

152 1. Requests for appointments, information on the status of pending executive and legislative actions,  
153 or other ministerial contacts if there is no attempt to influence executive or legislative actions;

154 2. Responses to published notices soliciting public comment submitted to the public official  
155 designated in the notice to receive the responses;

156 3. The solicitation of an association by its members to influence legislative or executive action; or

157 4. Communications between an association and its members and communications between a principal  
158 and its lobbyists.

159 "Lobbyist" means:

160 1. An individual who is employed and receives payments, or who contracts for economic  
161 consideration, including reimbursement for reasonable travel and living expenses, for the purpose of  
162 lobbying;

163 2. An individual who represents an organization, association, or other group for the purpose of  
164 lobbying; or

165 3. A local government employee who lobbies.

166 "Lobbyist's principal" or "principal" means the entity on whose behalf the lobbyist influences or  
167 attempts to influence executive or legislative action. An organization whose employees conduct lobbying  
168 activities on its behalf is both a principal and an employer of the lobbyists. In the case of a coalition or  
169 association that employs or retains others to conduct lobbying activities on behalf of its membership, the  
170 principal is the coalition or association and not its individual members.

171 "Local government" means:

172 1. Any county, city, town, or other local or regional political subdivision;

173 2. Any school division;

174 3. Any organization or entity that exercises governmental powers that is established pursuant to an  
175 interstate compact; or

176 4. Any organization composed of members representing entities listed in subdivisions 1, 2, or 3 of  
177 this definition.

178 "Local government employee" means a public employee of a local government.

179 "Person" means an individual, proprietorship, firm, partnership, joint venture, joint stock company,  
180 syndicate, business trust, estate, company, corporation, association, club, committee, organization, or  
181 group of persons acting in concert.

182 "Procurement transaction" means all functions that pertain to obtaining all goods, services, or

183 construction on behalf of an executive agency, including description of requirements, selection and  
 184 solicitation of sources, preparation and award of contract, and all phases of contract administration  
 185 where the stated or expected value of the contract is \$5 million or more.

186 "Secretary" means the Secretary of the Commonwealth.

187 "Value" means the actual cost or fair market value of an item or items, whichever is greater. If the  
 188 fair market value cannot be determined, the actual amount paid for the item or items shall be given  
 189 consideration.

190 "Widely attended event" means an event at which at least 25 persons have been invited to attend or  
 191 there is a reasonable expectation that at least 25 persons will attend the event and the event is open to  
 192 individuals (i) who share a common interest, (ii) who are members of a public, civic, charitable, or  
 193 professional organization, (iii) (ii) who are from a particular industry or profession, or (iv) (iii) who  
 194 represent persons interested in a particular issue.

195 **§ 2.2-422. Registration requirements.**

196 A. A lobbyist shall register with the Secretary of the Commonwealth prior to engaging in lobbying.  
 197 A lobbyist who engages in lobbying entirely outside the capital city shall comply with this section by  
 198 registering with the Secretary within fifteen days after first engaging in lobbying. Registration shall be  
 199 required annually and expire May 1 of each year.

200 B. The chief administrative officer of each local government shall register with the Secretary of the  
 201 Commonwealth and file a statement pursuant to § 2.2-423 if any local government employees will act as  
 202 lobbyists on its behalf. No registration fee shall be required. Each local government shall file a  
 203 consolidated report in accordance with the reporting requirements of § 2.2-426 and shall maintain locally  
 204 a copy of the report that is available for inspection and copying during regular business hours.

205 *C. All registrations required by this section shall be filed electronically in accordance with the*  
 206 *standards approved by the Council.*

207 **§ 2.2-423. Contents of registration statement.**

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

- 210 1. The name and business address and telephone number of the lobbyist;
- 211 2. The name and business address and telephone number of the person who will keep custody of the  
 212 lobbyist's and the lobbyist's principal's accounts and records required to comply with this article, and the  
 213 location and telephone number for the place where the accounts and records are kept;
- 214 3. The name and business address and telephone number of the lobbyist's principal;
- 215 4. The kind of business of the lobbyist's principal;
- 216 5. For each principal, the full name of the individual to whom the lobbyist reports;
- 217 6. For each principal, a statement whether the lobbyist is employed or retained and whether  
 218 exclusively for the purpose of lobbying;
- 219 7. The position held by the lobbyist if he is a part-time or full-time employee of the principal;
- 220 8. ~~The full name and business address and telephone number of each lobbyist employed by or~~  
 221 ~~representing the lobbyist's principal;~~

222 9. An identification of the subject matter (with as much specificity as possible) with regard to which  
 223 the lobbyist or lobbyist's principal will engage in lobbying; *and*

224 ~~10. 9. The statement of the lobbyist, which shall be signed either originally or by electronic signature~~  
 225 ~~as authorized by the Uniform Electronic Transactions Act (§ 59.1-479 et seq.), that the information~~  
 226 ~~contained on the registration statement is true and correct; and 11. A statement by which a.~~

227 *B. The lobbyist and the lobbyist's principal shall be notified at the time of the registration that the*  
 228 *principal may elect to waive the principal signature requirement on disclosure filings submitted by its*  
 229 *registered lobbyist after the filing of the registration statement. The waiver shall be on a form prescribed*  
 230 *by the Council and may be filed electronically with the Council in accordance with the standards*  
 231 *approved by it pursuant to § 30-356.*

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

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

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

245 **§ 2.2-426. Lobbyist reporting; penalty.**

246 A. Each lobbyist shall file with the Council a separate annual report of expenditures, including gifts,  
247 for each principal for whom he lobbies by July 1 for the preceding 12-month period complete through  
248 the last day of April.

249 B. Each principal who expends more than \$500 to employ or compensate multiple lobbyists shall be  
250 responsible for filing a consolidated lobbyist report pursuant to this section in any case in which the  
251 lobbyists are each exempt under the provisions of subdivision 7 or 8 of § 2.2-420 from the reporting  
252 requirements of this section.

253 C. The report shall be on a form prescribed by the Council and shall be accompanied by instructions  
254 provided by the Council. All reports shall be submitted electronically and in accordance with the  
255 standards approved by the Council pursuant to the provisions of § 30-356.

256 D. A person who knowingly and intentionally makes a false statement of a material fact on the  
257 disclosure statement is guilty of a Class 5 felony.

258 E. The name of a legislative or executive official, or a member of his immediate family, attending  
259 any reportable entertainment event shall not be required to be disclosed by the principal if that  
260 legislative or executive official reimburses the principal for, or otherwise pays for, his attendance, or the  
261 attendance of a member of his immediate family, at the entertainment event. Reimbursement shall be  
262 calculated using the average value for each person attending the event.

263 F. Each lobbyist shall send to each legislative and executive official who is required to be identified  
264 by name on Schedule A or B of the Lobbyist's Disclosure Form a copy of Schedule A or B or a  
265 summary of the information pertaining to that official. Copies or summaries shall be provided to the  
266 official by ~~December 15~~ *January 10* for the preceding 12-month period complete through ~~November 30~~  
267 *December 31*. *In addition, each lobbyist shall send to each legislator and executive official who is*  
268 *required to file a report of gifts accepted or received during a regular session of the General Assembly*  
269 *pursuant to § 2.2-3114.2 or 30-110.1 a summary of all gifts made by such lobbyist to each legislator or*  
270 *executive official or a member of his immediate family during the period beginning on January 1*  
271 *complete through adjournment sine die of the regular session of the General Assembly. Summaries shall*  
272 *be provided to the legislator or executive official no later than three weeks after adjournment sine die.*  
273 *For purposes of this section, "adjournment sine die" means adjournment on the last legislative day of*  
274 *the regular session and does not include the reconvened session.*

275 **§ 2.2-430. Termination.**

276 A. A lobbyist *or a lobbyist's principal* may terminate *the lobbyist's status as a lobbyist registration*  
277 *for such principal* at any time ~~by filing a prior to the expiration of his registration. Upon termination,~~  
278 *the lobbyist may file the report required under § 2.2-426 including information through the last day of*  
279 *lobbying activity. A termination at any time, but shall file the report no later than the deadline set forth*  
280 *in that section. Such report shall indicate that the lobbyist intends to use the report as the final*  
281 *accounting of lobbying activity and shall include information complete through the last day of lobbying*  
282 *activity and the effective date of the termination. The report shall be signed by the lobbyist's principal*  
283 *as otherwise required.*

284 B. A lobbyist's principal who terminates the services of a lobbyist prior to the expiration of the  
285 lobbyist's registration shall provide actual notice to the lobbyist. Such notice shall inform the lobbyist  
286 that he is required to file the report required under § 2.2-426 no later than the deadline set forth in that  
287 section and that the lobbyist's failure to file such report by the deadline shall result in the assessment of  
288 civil penalties against the lobbyist pursuant to § 2.2-431. The lobbyist's principal shall also notify the  
289 Secretary of the Commonwealth of the early termination in accordance with subsection B of § 2.2-423.

290 **§ 2.2-431. Penalties; filing of substituted statement.**

291 A. Every lobbyist failing to file the statement prescribed by § 2.2-426 within the time prescribed  
292 therein shall be assessed a civil penalty of \$50, and every individual failing to file the statement within  
293 10 days after the time prescribed herein shall be assessed an additional civil penalty of \$50 per day  
294 from the eleventh day of such default until the statement is filed. The Council shall notify the Secretary  
295 of any lobbyist's failure to file the statement within the time prescribed, and the penalties shall be  
296 assessed and collected by the Secretary. The Attorney General shall assist the Secretary in collecting the  
297 penalties, upon request.

298 B. Every lobbyist's principal whose lobbyist fails to file the statement prescribed by § 2.2-426 shall  
299 be assessed a civil penalty of \$50, and shall be assessed an additional civil penalty of \$50 per day from  
300 the eleventh day of such default until the statement is filed. The Council shall notify the Secretary of  
301 any lobbyist's failure to file the statement within the time prescribed, and the penalties shall be assessed  
302 and collected by the Secretary. The Attorney General shall assist the Secretary in collecting the  
303 penalties, upon request.

304 C. No individual who has failed to file the statement required by § 2.2-426 or who has failed to pay  
305 all penalties assessed pursuant to this section, shall register or act as a lobbyist as long as he remains in

306 default.

307 D. Whenever any lobbyist *or lobbyist's principal* is or will be in default under § 2.2-426, and the  
 308 reasons for such default are or will be beyond ~~his~~ *the lobbyist's* control, ~~or~~ the control of ~~his~~ *the*  
 309 *lobbyist's* principal, or both, the Secretary may suspend the assessment of any penalty otherwise  
 310 assessable and accept a substituted statement, upon the submission of sworn proofs that shall satisfy him  
 311 that the default has been beyond the control of the lobbyist or ~~his~~ *the lobbyist's* principal, and that the  
 312 substituted statement contains the most accurate and complete information available after the exercise of  
 313 due diligence.

314 E. Penalties collected pursuant to this section shall be payable to the State Treasurer for deposit to  
 315 the general fund and shall be used exclusively to fund the Council.

316 **§ 2.2-3101. Definitions.**

317 As used in this chapter, unless the context requires a different meaning:

318 "Advisory agency" means any board, commission, committee or post which does not exercise any  
 319 sovereign power or duty, but is appointed by a governmental agency or officer or is created by law for  
 320 the purpose of making studies or recommendations, or advising or consulting with a governmental  
 321 agency.

322 "Affiliated business entity relationship" means a relationship, other than a parent-subsidary  
 323 relationship, that exists when (i) one business entity has a controlling ownership interest in the other  
 324 business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or  
 325 (iii) there is shared management or control between the business entities. Factors that may be considered  
 326 in determining the existence of an affiliated business entity relationship include that the same person or  
 327 substantially the same person owns or manages the two entities, there are common or commingled funds  
 328 or assets, the business entities share the use of the same offices or employees, or otherwise share  
 329 activities, resources or personnel on a regular basis, or there is otherwise a close working relationship  
 330 between the entities.

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

334 "Candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of  
 335 its governmental units in a general, primary, or special election and who is qualified to have his name  
 336 placed on the ballot for the office. The candidate shall become subject to the provisions of this chapter  
 337 upon the filing of a statement of qualification pursuant to § 24.2-501. The State Board of Elections or  
 338 general registrar shall notify each such candidate of the provisions of this chapter. Notification made by  
 339 the general registrar shall consist of information developed by the State Board of Elections.

340 "Contract" means any agreement to which a governmental agency is a party, or any agreement on  
 341 behalf of a governmental agency that involves the payment of money appropriated by the General  
 342 Assembly or a political subdivision, whether or not such agreement is executed in the name of the  
 343 Commonwealth, or some political subdivision thereof. "Contract" includes a subcontract only when the  
 344 contract of which it is a part is with the officer's or employee's own governmental agency.

345 "Council" means the Virginia Conflict of Interest and Ethics Advisory Council established in  
 346 § 30-355.

347 "Employee" means all persons employed by a governmental or advisory agency, unless otherwise  
 348 limited by the context of its use.

349 "Financial institution" means any bank, trust company, savings institution, industrial loan association,  
 350 consumer finance company, credit union, broker-dealer as defined in subsection A of § 13.1-501, or  
 351 investment company or advisor registered under the federal Investment Advisors Act or Investment  
 352 Company Act of 1940.

353 "Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item  
 354 having monetary value. It includes services as well as gifts of transportation, local travel, lodgings and  
 355 meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the  
 356 expense has been incurred. "Gift" does not include (i) any offer of a ticket, coupon, or other admission  
 357 or pass unless the ticket, coupon, admission, or pass is used; (ii) honorary degrees; (iii) any athletic,  
 358 merit, or need-based scholarship or any other financial aid awarded by a public or private school,  
 359 institution of higher education, or other educational program pursuant to such school, institution, or  
 360 program's financial aid standards and procedures applicable to the general public; (iv) a campaign  
 361 contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2;  
 362 (v) any gift related to the private profession or occupation *or volunteer service* of an officer or employee  
 363 or of a member of his immediate family; (vi) food or beverages consumed while attending an event at  
 364 which the filer is performing official duties related to his public service; (vii) food and beverages  
 365 received at or registration or attendance fees waived for any event at which the filer is a featured  
 366 speaker, presenter, or lecturer; (viii) unsolicited awards of appreciation or recognition in the form of a  
 367 plaque, trophy, wall memento, or similar item that is given in recognition of public, civic, charitable, or

368 professional service; (ix) a devise or inheritance; (x) travel disclosed pursuant to the Campaign Finance  
369 Disclosure Act (§ 24.2-945 et seq.); (xi) travel paid for or provided by the government of the United  
370 States, any of its territories, or any state or any political subdivision of such state; (xii) travel provided  
371 to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting  
372 of a legislative committee or commission, or a national conference where attendance is approved by the  
373 House Committee on Rules or its Chairman or the Senate Committee on Rules or its Chairman; (xiii)  
374 travel related to an official meeting of, *or any meal provided for attendance at such meeting by*, the  
375 Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any  
376 charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with  
377 such entity, to which such person has been appointed or elected or is a member by virtue of his office  
378 or employment; (xiv) gifts with a value of less than \$20; ~~or~~ (xv) *attendance at a reception or similar*  
379 *function where food, such as hors d'oeuvres, and beverages that can be conveniently consumed by a*  
380 *person while standing or walking are offered; or* (xvi) gifts from relatives or personal friends. For the  
381 purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece, nephew, or first  
382 cousin; a person to whom the donee is engaged to be married; the donee's or his spouse's parent,  
383 grandparent, grandchild, brother, sister, step-parent, step-grandparent, step-grandchild, step-brother, or  
384 step-sister; or the donee's brother's or sister's spouse *or the donee's son-in-law or daughter-in-law*. For  
385 the purpose of this definition, "personal friend" does not include any person that the filer knows or has  
386 reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title  
387 2.2; (b) a lobbyist's principal as defined in § 2.2-419; (c) for an officer or employee of a local  
388 governmental or advisory agency, a person, organization, or business who is a party to or is seeking to  
389 become a party to a contract with the local agency of which he is an officer or an employee; or (d) for  
390 an officer or employee of a state governmental or advisory agency, a person, organization, or business  
391 who is a party to or is seeking to become a party to a contract with the Commonwealth. For purposes of  
392 this definition, "person, organization, or business" includes individuals who are officers, directors, or  
393 owners of or who have a controlling ownership interest in such organization or business.

394 "Governmental agency" means each component part of the legislative, executive or judicial branches  
395 of state and local government, including each office, department, authority, post, commission,  
396 committee, and each institution or board created by law to exercise some regulatory or sovereign power  
397 or duty as distinguished from purely advisory powers or duties. Corporations organized or controlled by  
398 the Virginia Retirement System are "governmental agencies" for purposes of this chapter.

399 "Immediate family" means (i) a spouse and (ii) any other person who resides in the same household  
400 as the officer or employee and who is a dependent of the officer or employee.

401 "Officer" means any person appointed or elected to any governmental or advisory agency including  
402 local school boards, whether or not he receives compensation or other emolument of office. Unless the  
403 context requires otherwise, "officer" includes members of the judiciary.

404 "Parent-subsidiary relationship" means a relationship that exists when one corporation directly or  
405 indirectly owns shares possessing more than 50 percent of the voting power of another corporation.

406 "Personal interest" means a financial benefit or liability accruing to an officer or employee or to a  
407 member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the  
408 ownership interest exceeds three percent of the total equity of the business; (ii) annual income that  
409 exceeds, or may reasonably be anticipated to exceed, \$5,000 from ownership in real or personal property  
410 or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or  
411 any combination thereof, paid or provided by a business or governmental agency that exceeds, or may  
412 reasonably be anticipated to exceed, \$5,000 annually; (iv) ownership of real or personal property if the  
413 interest exceeds \$5,000 in value and excluding ownership in a business, income, or salary, other  
414 compensation, fringe benefits or benefits from the use of property; (v) personal liability incurred or  
415 assumed on behalf of a business if the liability exceeds three percent of the asset value of the business;  
416 or (vi) an option for ownership of a business or real or personal property if the ownership interest will  
417 consist of clause (i) or (iv) ~~above~~.

418 "Personal interest in a contract" means a personal interest that an officer or employee has in a  
419 contract with a governmental agency, whether due to his being a party to the contract or due to a  
420 personal interest in a business that is a party to the contract.

421 "Personal interest in a transaction" means a personal interest of an officer or employee in any matter  
422 considered by his agency. Such personal interest exists when an officer or employee or a member of his  
423 immediate family has a personal interest in property or a business or governmental agency, or represents  
424 or provides services to any individual or business and such property, business or represented or served  
425 individual or business (i) is the subject of the transaction or (ii) may realize a reasonably foreseeable  
426 direct or indirect benefit or detriment as a result of the action of the agency considering the transaction.  
427 Notwithstanding the above, such personal interest in a transaction shall not be deemed to exist where (a)  
428 an elected member of a local governing body serves without remuneration as a member of the board of

429 trustees of a not-for-profit entity and such elected member or member of his immediate family has no  
430 personal interest related to the not-for-profit entity or (b) an officer, employee, or elected member of a  
431 local governing body is appointed by such local governing body to serve on a governmental agency, or  
432 an officer, employee, or elected member of a separate local governmental agency formed by a local  
433 governing body is appointed to serve on a governmental agency, and the personal interest in the  
434 transaction of the governmental agency is the result of the salary, other compensation, fringe benefits, or  
435 benefits provided by the local governing body or the separate governmental agency to the officer,  
436 employee, elected member, or member of his immediate family.

437 "State and local government officers and employees" shall not include members of the General  
438 Assembly.

439 "State filer" means those officers and employees required to file a disclosure statement of their  
440 personal interests pursuant to subsection A or B of § 2.2-3114.

441 "Transaction" means any matter considered by any governmental or advisory agency, whether in a  
442 committee, subcommittee, or other entity of that agency or before the agency itself, on which official  
443 action is taken or contemplated.

444 **§ 2.2-3103.1. Certain gifts prohibited.**

445 A. For purposes of this section:

446 "Person, organization, or business" includes individuals who are officers, directors, or owners of or  
447 who have a controlling ownership interest in such organization or business.

448 "Widely attended event" means an event at which at least 25 persons have been invited to attend or  
449 there is a reasonable expectation that at least 25 persons will attend the event and the event is open to  
450 individuals (i) ~~who share a common interest,~~ (ii) who are members of a public, civic, charitable, or  
451 professional organization, (iii) (ii) who are from a particular industry or profession, or (iv) (iii) who  
452 represent persons interested in a particular issue.

453 B. No officer or employee of a local governmental or advisory agency or candidate required to file  
454 the disclosure form prescribed in § 2.2-3117 or a member of his immediate family shall solicit, accept,  
455 or receive any single gift with a value in excess of \$100 or any combination of gifts with an aggregate  
456 value in excess of \$100 within any calendar year for himself or a member of his immediate family from  
457 any person that he or a member of his immediate family knows or has reason to know is (i) a lobbyist  
458 registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4; (ii) a lobbyist's principal as defined in  
459 § 2.2-419; or (iii) a person, organization, or business who is or is seeking to become a party to a  
460 contract with the local agency of which he is an officer or an employee. Gifts with a value of less than  
461 \$20 are not subject to aggregation for purposes of this prohibition.

462 C. No officer or employee of a state governmental or advisory agency or candidate required to file  
463 the disclosure form prescribed in § 2.2-3117 or a member of his immediate family shall solicit, accept,  
464 or receive any single gift with a value in excess of \$100 or any combination of gifts with an aggregate  
465 value in excess of \$100 within any calendar year for himself or a member of his immediate family from  
466 any person that he or a member of his immediate family knows or has reason to know is (i) a lobbyist  
467 registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4; (ii) a lobbyist's principal as defined in  
468 § 2.2-419; or (iii) a person, organization, or business who is or is seeking to become a party to a  
469 contract with the state governmental or advisory agency of which he is an officer or an employee or  
470 over which he has the authority to direct such agency's activities. Gifts with a value of less than \$20 are  
471 not subject to aggregation for purposes of this prohibition.

472 D. Notwithstanding the provisions of subsections B and C, such officer, employee, or candidate or a  
473 member of his immediate family may accept or receive a gift of food and beverages, entertainment, or  
474 the cost of admission with a value in excess of \$100 when such gift is accepted or received while in  
475 attendance at a widely attended event and is associated with the event. Such gifts shall be reported on  
476 the disclosure form prescribed in § 2.2-3117.

477 E. Notwithstanding the provisions of subsections B and C, such officer or employee or a member of  
478 his immediate family may accept or receive a gift from a foreign dignitary with a value exceeding \$100  
479 for which the fair market value or a gift of greater or equal value has not been provided or exchanged.  
480 Such gift shall be accepted on behalf of the Commonwealth or a locality and archived in accordance  
481 with guidelines established by the Library of Virginia. Such gift shall be disclosed as having been  
482 accepted on behalf of the Commonwealth or a locality, but the value of such gift shall not be required  
483 to be disclosed.

484 F. Notwithstanding the provisions of subsections B and C, such officer, employee, or candidate or a  
485 member of his immediate family may accept or receive certain gifts with a value in excess of \$100 from  
486 a person listed in subsection B or C if such gift was provided to such officer, employee, or candidate or  
487 a member of his immediate family on the basis of a personal friendship. Notwithstanding any other  
488 provision of law, a person listed in subsection B or C may be a personal friend of such officer,  
489 employee, or candidate or his immediate family for purposes of this subsection. In determining whether  
490 a person listed in subsection B or C is a personal friend, the following factors shall be considered: (i)



491 the circumstances under which the gift was offered; (ii) the history of the relationship between the  
 492 person and the donor, including the nature and length of the friendship and any previous exchange of  
 493 gifts between them; (iii) to the extent known to the person, whether the donor personally paid for the  
 494 gift or sought a tax deduction or business reimbursement for the gift; and (iv) whether the donor has  
 495 given the same or similar gifts to other persons required to file the disclosure form prescribed in  
 496 § 2.2-3117 or 30-111.

497 G. Notwithstanding the provisions of subsections B and C, such officer, employee, or candidate or a  
 498 member of his immediate family may accept or receive gifts of travel, including travel-related  
 499 transportation, lodging, hospitality, food or beverages, or other thing of value, with a value in excess of  
 500 \$100 that is paid for or provided by a person listed in subsection B or C when the officer, employee, or  
 501 candidate has submitted a request for approval of such travel to the Council and has received the  
 502 approval of the Council pursuant to § 30-356.1. Such gifts shall be reported on the disclosure form  
 503 prescribed in § 2.2-3117.

504 H. During the pendency of a civil action in any state or federal court to which the Commonwealth is  
 505 a party, the Governor or the Attorney General or any employee of the Governor or the Attorney General  
 506 who is subject to the provisions of this chapter shall not solicit, accept, or receive any gift from any  
 507 person that he knows or has reason to know is a person, organization, or business that is a party to such  
 508 civil action. A person, organization, or business that is a party to such civil action shall not knowingly  
 509 give any gift to the Governor or the Attorney General or any of their employees who are subject to the  
 510 provisions of this chapter.

511 I. The \$100 limitation imposed in accordance with this section shall be adjusted by the Council every  
 512 five years, as of January 1 of that year, in an amount equal to the annual increases for that five-year  
 513 period in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U),  
 514 as published by the Bureau of Labor Statistics of the U.S. Department of Labor, rounded to the nearest  
 515 whole dollar.

516 *J. The provisions of this section shall not apply to any justice of the Supreme Court of Virginia,*  
 517 *judge of the Court of Appeals of Virginia, judge of any circuit court, or judge or substitute judge of any*  
 518 *district court. However, nothing in this subsection shall be construed to authorize the acceptance of any*  
 519 *gift if such acceptance would constitute a violation of the Canons of Judicial Conduct for the State of*  
 520 *Virginia.*

521 **§ 2.2-3110. Further exceptions.**

522 A. The provisions of Article 3 (§ 2.2-3106 et seq.) shall not apply to:

523 1. The sale, lease or exchange of real property between an officer or employee and a governmental  
 524 agency, provided the officer or employee does not participate in any way as such officer or employee in  
 525 such sale, lease or exchange, and this fact is set forth as a matter of public record by the governing  
 526 body of the governmental agency or by the administrative head thereof;

527 2. The publication of official notices;

528 3. Contracts between the government or school board of a ~~town or county~~, city, or town with a  
 529 population of less than 10,000 and an officer or employee of that ~~town or county~~, city, or town  
 530 government or school board when the total of such contracts between the ~~town or city~~ government or  
 531 school board and the officer or employee of that ~~town or city~~ government or school board or a business  
 532 controlled by him does not exceed ~~\$10,000~~ \$5,000 per year or such amount exceeds ~~\$10,000~~ \$5,000 and  
 533 is less than \$25,000 but results from contracts arising from awards made on a sealed bid basis, and such  
 534 officer or employee has made disclosure as provided for in § 2.2-3115;

535 4. An officer or employee whose sole personal interest in a contract with the governmental agency is  
 536 by reason of income from the contracting firm or governmental agency in excess of ~~\$10,000~~ \$5,000 per  
 537 year, provided the officer or employee or a member of his immediate family does not participate and  
 538 has no authority to participate in the procurement or letting of such contract on behalf of the contracting  
 539 firm and the officer or employee either does not have authority to participate in the procurement or  
 540 letting of the contract on behalf of his governmental agency or he disqualifies himself as a matter of  
 541 public record and does not participate on behalf of his governmental agency in negotiating the contract  
 542 or in approving the contract;

543 5. When the governmental agency is a public institution of higher education, an officer or employee  
 544 whose personal interest in a contract with the institution is by reason of an ownership in the contracting  
 545 firm in excess of three percent of the contracting firm's equity or such ownership interest and income  
 546 from the contracting firm is in excess of ~~\$10,000~~ \$5,000 per year, provided that (i) the officer or  
 547 employee's ownership interest, or ownership and income interest, and that of any immediate family  
 548 member in the contracting firm is disclosed in writing to the president of the institution, which writing  
 549 certifies that the officer or employee has not and will not participate in the contract negotiations on  
 550 behalf of the contracting firm or the institution, (ii) the president of the institution makes a written  
 551 finding as a matter of public record that the contract is in the best interests of the institution, (iii) the

552 officer or employee either does not have authority to participate in the procurement or letting of the  
 553 contract on behalf of the institution or disqualifies himself as a matter of public record, and (iv) does  
 554 not participate on behalf of the institution in negotiating the contract or approving the contract;

555 6. Except when the governmental agency is the Virginia Retirement System, contracts between an  
 556 officer's or employee's governmental agency and a public service corporation, financial institution, or  
 557 company furnishing public utilities in which the officer or employee has a personal interest, provided the  
 558 officer or employee disqualifies himself as a matter of public record and does not participate on behalf  
 559 of his governmental agency in negotiating the contract or in approving the contract;

560 7. Contracts for the purchase of goods or services when the contract does not exceed \$500;

561 8. Grants or other payment under any program wherein uniform rates for, or the amounts paid to, all  
 562 qualified applicants are established solely by the administering governmental agency;

563 9. An officer or employee whose sole personal interest in a contract with his own governmental  
 564 agency is by reason of his marriage to his spouse who is employed by the same agency, if the spouse  
 565 was employed by such agency for five or more years prior to marrying such officer or employee; or

566 10. Contracts entered into by an officer or employee of a soil and water conservation district created  
 567 pursuant to Article 3 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1 to participate in the Virginia  
 568 Agricultural Best Management Practices Cost-Share Program (the Program) established in accordance  
 569 with § 10.1-546.1. This subdivision shall not apply to subcontracts or other agreements entered into by  
 570 an officer or employee of a soil and water conservation district to provide services for implementation  
 571 of a cost-share contract established under the Program.

572 B. Neither the provisions of this chapter nor, unless expressly provided otherwise, any amendments  
 573 thereto shall apply to those employment contracts or renewals thereof or to any other contracts entered  
 574 into prior to August 1, 1987, which were in compliance with either the former Virginia Conflict of  
 575 Interests Act, Chapter 22 (§ 2.1-347 et seq.) or the former Comprehensive Conflict of Interests Act,  
 576 Chapter 40 (§ 2.1-599 et seq.) of Title 2.1 at the time of their formation and thereafter. Those contracts  
 577 shall continue to be governed by the provisions of the appropriate prior Act. Notwithstanding the  
 578 provisions of subdivision (f) (4) of *former* § 2.1-348 of Title 2.1 in effect prior to July 1, 1983, the  
 579 employment by the same governmental agency of an officer or employee and spouse or any other  
 580 relative residing in the same household shall not be deemed to create a material financial interest except  
 581 when one of such persons is employed in a direct supervisory or administrative position, or both, with  
 582 respect to such spouse or other relative residing in his household and the annual salary of such  
 583 subordinate is \$35,000 or more.

584 **§ 2.2-3112. Prohibited conduct concerning personal interest in a transaction; exceptions.**

585 A. Each officer and employee of any state or local governmental or advisory agency who has a  
 586 personal interest in a transaction:

587 ~~1. Shall~~ *shall* disqualify himself from participating in the transaction if (i) the transaction has  
 588 application solely to property or a business or governmental agency in which he has a personal interest  
 589 or a business that has a parent-subsidiary or affiliated business entity relationship with the business in  
 590 which he has a personal interest or (ii) he is unable to participate pursuant to subdivision *B 1, 2, or 3* ~~or~~

591 4. Any disqualification under the provisions of this ~~subdivision~~ *subsection* shall be recorded in the  
 592 public records of the officer's or employee's governmental or advisory agency. The officer or employee  
 593 shall disclose his personal interest as required by subsection E of § 2.2-3114 or subsection F of  
 594 § 2.2-3115 and shall not vote or in any manner act on behalf of his agency in the transaction. The  
 595 officer or employee shall be prohibited from (i) attending any portion of a closed meeting authorized by  
 596 the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) when the matter in which he has a  
 597 personal interest is discussed and (ii) discussing the matter in which he has a personal interest with other  
 598 governmental officers or employees at any time;

599 B. *An officer or employee of any state or local government or advisory agency who has a personal*  
 600 *interest in a transaction may participate in the transaction:*

601 ~~2. May participate in the transaction if 1.~~ *If he is a member of a business, profession, occupation, or*  
 602 *group of three or more persons the members of which are affected by the transaction, and he complies*  
 603 *with the declaration requirements of subsection F of § 2.2-3114 or subsection H of § 2.2-3115;*

604 ~~3. May participate in the transaction when 2.~~ *When a party to the transaction is a client of his firm if*  
 605 *he does not personally represent or provide services to such client and he complies with the declaration*  
 606 *requirements of subsection G of § 2.2-3114 or subsection I of § 2.2-3115; or*

607 ~~4. May participate in the transaction if 3.~~ *If it affects the public generally, even though his personal*  
 608 *interest, as a member of the public, may also be affected by that transaction.*

609 B. C. Disqualification under the provisions of this section shall not prevent any employee having a  
 610 personal interest in a transaction in which his agency is involved from representing himself or a member  
 611 of his immediate family in such transaction provided he does not receive compensation for such  
 612 representation and provided he complies with the disqualification and relevant disclosure requirements of  
 613 this chapter.

614 C. D. Notwithstanding any other provision of law, if disqualifications of officers or employees in  
 615 accordance with this section leave less than the number required by law to act, the remaining member or  
 616 members shall constitute a quorum for the conduct of business and have authority to act for the agency  
 617 by majority vote, unless a unanimous vote of all members is required by law, in which case authority to  
 618 act shall require a unanimous vote of remaining members. Notwithstanding any provisions of this  
 619 chapter to the contrary, members of a local governing body whose sole interest in any proposed sale,  
 620 contract of sale, exchange, lease or conveyance is by virtue of their employment by a business involved  
 621 in a proposed sale, contract of sale, exchange, lease or conveyance, and where such member's or  
 622 members' vote is essential to a constitutional majority required pursuant to Article VII, Section 9 of the  
 623 Constitution of Virginia and § 15.2-2100, such member or members of the local governing body may  
 624 vote and participate in the deliberations of the governing body concerning whether to approve, enter into  
 625 or execute such sale, contract of sale, exchange, lease or conveyance. Official action taken under  
 626 circumstances that violate this section may be rescinded by the agency on such terms as the interests of  
 627 the agency and innocent third parties require.

628 D. E. The provisions of subsection A shall not prevent an officer or employee from participating in a  
 629 transaction merely because such officer or employee is a party in a legal proceeding of a civil nature  
 630 concerning such transaction.

631 E. F. The provisions of subsection A shall not prevent an employee from participating in a  
 632 transaction regarding textbooks or other educational material for students at state institutions of higher  
 633 education, when those textbooks or materials have been authored or otherwise created by the employee.

634 G. *The provisions of this section shall not prevent any justice of the Supreme Court of Virginia,*  
 635 *judge of the Court of Appeals of Virginia, judge of any circuit court, judge or substitute judge of any*  
 636 *district court, member of the State Corporation Commission, or member of the Virginia Workers'*  
 637 *Compensation Commission from participating in a transaction where such individual's participation*  
 638 *involves the performance of adjudicative responsibilities as set forth in Canon 3 of the Canons of*  
 639 *Judicial Conduct for the State of Virginia. However, nothing in this subsection shall be construed to*  
 640 *authorize such individual's participation in a transaction if such participation would constitute a*  
 641 *violation of the Canons of Judicial Conduct for the State of Virginia.*

642 **§ 2.2-3114. Disclosure by state officers and employees.**

643 A. ~~The~~ *In accordance with the requirements set forth in § 2.2-3118.2, the* Governor, Lieutenant  
 644 Governor, Attorney General, Justices of the Supreme Court, judges of the Court of Appeals, judges of  
 645 any circuit court, judges and substitute judges of any district court, members of the State Corporation  
 646 Commission, members of the Virginia Workers' Compensation Commission, members of the  
 647 Commonwealth Transportation Board, members of the Board of Trustees of the Virginia Retirement  
 648 System, members of the Virginia Alcoholic Beverage Control Board, and members of the Virginia  
 649 Lottery Board and other persons occupying such offices or positions of trust or employment in state  
 650 government, including members of the governing bodies of authorities, as may be designated by the  
 651 Governor, or officers or employees of the legislative branch, as may be designated by the Joint Rules  
 652 Committee of the General Assembly, shall file with the Council, as a condition to assuming office or  
 653 employment, a disclosure statement of their personal interests and such other information as is required  
 654 on the form prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement  
 655 annually on or before ~~January 15. When the filing deadline falls on a Saturday, Sunday, or legal~~  
 656 ~~holiday, the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or legal~~  
 657 ~~holiday~~ *February 1.*

658 B. ~~Nonsalaried~~ *In accordance with the requirements set forth in § 2.2-3118.2, nonsalaried* citizen  
 659 members of all policy and supervisory boards, commissions and councils in the executive branch of state  
 660 government, other than the Commonwealth Transportation Board, members of the Board of Trustees of  
 661 the Virginia Retirement System, and the Virginia Lottery Board, shall file with the Council, as a  
 662 condition to assuming office, a disclosure form of their personal interests and such other information as  
 663 is required on the form prescribed by the Council pursuant to § 2.2-3118 and thereafter shall file such  
 664 form annually on or before ~~January 15. When the filing deadline falls on a Saturday, Sunday, or legal~~  
 665 ~~holiday, the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or legal~~  
 666 ~~holiday~~ *February 1.* Nonsalaried citizen members of other boards, commissions and councils, including  
 667 advisory boards and authorities, may be required to file a disclosure form if so designated by the  
 668 Governor, in which case the form shall be that prescribed by the Council pursuant to § 2.2-3118.

669 C. The disclosure forms required by subsections A and B shall be made available by the Council at  
 670 least 30 days prior to the filing deadline. Disclosure forms shall be filed electronically with the Council  
 671 in accordance with the standards approved by it pursuant to § 30-356. All forms shall be maintained as  
 672 public records for five years in the office of the Council. Such forms shall be made public no later than  
 673 six weeks after *the filing deadline.*

674 D. Candidates for the offices of Governor, Lieutenant Governor or Attorney General shall file a

675 disclosure statement of their personal interests as required by § 24.2-502.

676 E. Any officer or employee of state government who has a personal interest in any transaction before  
677 the governmental or advisory agency of which he is an officer or employee and who is disqualified  
678 from participating in that transaction pursuant to ~~subdivision~~ *subsection A 4* of § 2.2-3112, or otherwise  
679 elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the  
680 full name and address of the business and the address or parcel number for the real estate if the interest  
681 involves a business or real estate, and his disclosure shall also be reflected in the public records of the  
682 agency for five years in the office of the administrative head of the officer's or employee's governmental  
683 agency or advisory agency or, if the agency has a clerk, in the clerk's office.

684 F. An officer or employee of state government who is required to declare his interest pursuant to  
685 subdivision *A 2 B 1* of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii)  
686 the nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a  
687 member of a business, profession, occupation, or group the members of which are affected by the  
688 transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public  
689 interest. The officer or employee shall either make his declaration orally to be recorded in written  
690 minutes for his agency or file a signed written declaration with the clerk or administrative head of his  
691 governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for  
692 public inspection such declaration for a period of five years from the date of recording or receipt. If  
693 reasonable time is not available to comply with the provisions of this subsection prior to participation in  
694 the transaction, the officer or employee shall prepare and file the required declaration by the end of the  
695 next business day.

696 G. An officer or employee of state government who is required to declare his interest pursuant to  
697 subdivision *A 3 B 2* of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii)  
698 that a party to the transaction is a client of his firm, (iii) that he does not personally represent or provide  
699 services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in  
700 the public interest. The officer or employee shall either make his declaration orally to be recorded in  
701 written minutes for his agency or file a signed written declaration with the clerk or administrative head  
702 of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make  
703 available for public inspection such declaration for a period of five years from the date of recording or  
704 receipt. If reasonable time is not available to comply with the provisions of this subsection prior to  
705 participation in the transaction, the officer or employee shall prepare and file the required declaration by  
706 the end of the next business day.

707 H. Notwithstanding any other provision of law, chairs of departments at a public institution of higher  
708 education in the Commonwealth shall not be required to file the disclosure form prescribed by the  
709 Council pursuant to § 2.2-3117 or 2.2-3118.

710 **§ 2.2-3115. Disclosure by local government officers and employees.**

711 A. ~~The~~ *In accordance with the requirements set forth in § 2.2-3118.2, the* members of every  
712 governing body and school board of each county and city and of towns with populations in excess of  
713 3,500 shall file, as a condition to assuming office or employment, a disclosure statement of their  
714 personal interests and other information as is required on the form prescribed by the Council pursuant to  
715 § 2.2-3117 and thereafter shall file such a statement annually on or before ~~January 15~~ *February 1*.

716 ~~The~~ *In accordance with the requirements set forth in § 2.2-3118.2, the* members of the governing  
717 body of any authority established in any county or city, or part or combination thereof, and having the  
718 power to issue bonds or expend funds in excess of \$10,000 in any fiscal year, shall file, as a condition  
719 to assuming office, a disclosure statement of their personal interests and other information as is required  
720 on the form prescribed by the Council pursuant to § 2.2-3118 and thereafter shall file such a statement  
721 annually on or before ~~January 15~~ *February 1*, unless the governing body of the jurisdiction that appoints  
722 the members requires that the members file the form set forth in § 2.2-3117.

723 ~~Persons~~ *In accordance with the requirements set forth in § 2.2-3118.2, persons* occupying such  
724 positions of trust appointed by governing bodies and persons occupying such positions of employment  
725 with governing bodies as may be designated to file by ordinance of the governing body shall file, as a  
726 condition to assuming office or employment, a disclosure statement of their personal interests and other  
727 information as is required on the form prescribed by the Council pursuant to § 2.2-3117 and thereafter  
728 shall file such a statement annually on or before ~~January 15~~ *February 1*.

729 ~~Persons~~ *In accordance with the requirements set forth in § 2.2-3118.2, persons* occupying such  
730 positions of trust appointed by school boards and persons occupying such positions of employment with  
731 school boards as may be designated to file by an adopted policy of the school board shall file, as a  
732 condition to assuming office or employment, a disclosure statement of their personal interests and other  
733 information as is required on the form prescribed by the Council pursuant to § 2.2-3117 and thereafter  
734 shall file such a statement annually on or before ~~January 15~~ *February 1*.

735 B. ~~Nonsalaried~~ *In accordance with the requirements set forth in § 2.2-3118.2, nonsalaried* citizen  
736 members of local boards, commissions and councils as may be designated by the governing body shall

737 file, as a condition to assuming office, a disclosure form of their personal interests and such other  
738 information as is required on the form prescribed by the Council pursuant to § 2.2-3118 and thereafter  
739 shall file such form annually on or before ~~January 15~~ *February 1*.

740 C. No person shall be mandated to file any disclosure not otherwise required by this article.

741 D. The disclosure forms required by subsections A and B shall be made available by the Virginia  
742 Conflict of Interest and Ethics Advisory Council at least 30 days prior to the filing deadline, and the  
743 clerks of the governing body and school board shall distribute the forms to designated individuals at  
744 least 20 days prior to the filing deadline. Forms shall be filed and maintained as public records for five  
745 years in the office of the clerk of the respective governing body or school board. Forms filed by  
746 members of governing bodies of authorities shall be filed and maintained as public records for five years  
747 in the office of the clerk of the governing body of the county or city. Such forms shall be made public  
748 no later than six weeks after *the filing deadline*.

749 E. Candidates for membership in the governing body or school board of any county, city or town  
750 with a population of more than 3,500 persons shall file a disclosure statement of their personal interests  
751 as required by § 24.2-502.

752 F. Any officer or employee of local government who has a personal interest in any transaction before  
753 the governmental or advisory agency of which he is an officer or employee and who is disqualified  
754 from participating in that transaction pursuant to ~~subdivision~~ *subsection A 1* of § 2.2-3112 or otherwise  
755 elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the  
756 full name and address of the business and the address or parcel number for the real estate if the interest  
757 involves a business or real estate, and his disclosure shall be reflected in the public records of the  
758 agency for five years in the office of the administrative head of the officer's or employee's governmental  
759 or advisory agency.

760 G. In addition to any disclosure required by subsections A and B, in each county and city and in  
761 towns with populations in excess of 3,500, members of planning commissions, boards of zoning appeals,  
762 real estate assessors, and all county, city and town managers or executive officers shall make annual  
763 disclosures of all their interests in real estate located in the county, city or town in which they are  
764 elected, appointed, or employed. Such disclosure shall include any business in which such persons own  
765 an interest, or from which income is received, if the primary purpose of the business is to own, develop  
766 or derive compensation through the sale, exchange or development of real estate in the county, city or  
767 town. ~~Such~~ *In accordance with the requirements set forth in § 2.2-3118.2, such* disclosure shall be filed  
768 as a condition to assuming office or employment, and thereafter shall be filed annually with the clerk of  
769 the governing body of such county, city, or town on or before ~~January 15~~ *February 1*. Such disclosures  
770 shall be filed and maintained as public records for five years. Such forms shall be made public no later  
771 than six weeks after *the filing deadline*. Forms for the filing of such reports shall be made available by  
772 the Virginia Conflict of Interest and Ethics Advisory Council to the clerk of each governing body.

773 H. An officer or employee of local government who is required to declare his interest pursuant to  
774 subdivision ~~A 2~~ *B 1* of § 2.2-3112 shall declare his interest by stating (i) the transaction involved, (ii)  
775 the nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a  
776 member of a business, profession, occupation, or group the members of which are affected by the  
777 transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public  
778 interest. The officer or employee shall either make his declaration orally to be recorded in written  
779 minutes for his agency or file a signed written declaration with the clerk or administrative head of his  
780 governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for  
781 public inspection such declaration for a period of five years from the date of recording or receipt. If  
782 reasonable time is not available to comply with the provisions of this subsection prior to participation in  
783 the transaction, the officer or employee shall prepare and file the required declaration by the end of the  
784 next business day. The officer or employee shall also orally disclose the existence of the interest during  
785 each meeting of the governmental or advisory agency at which the transaction is discussed and such  
786 disclosure shall be recorded in the minutes of the meeting.

787 I. An officer or employee of local government who is required to declare his interest pursuant to  
788 subdivision ~~A 3~~ *B 2* of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii)  
789 that a party to the transaction is a client of his firm, (iii) that he does not personally represent or provide  
790 services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in  
791 the public interest. The officer or employee shall either make his declaration orally to be recorded in  
792 written minutes for his agency or file a signed written declaration with the clerk or administrative head  
793 of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make  
794 available for public inspection such declaration for a period of five years from the date of recording or  
795 receipt. If reasonable time is not available to comply with the provisions of this subsection prior to  
796 participation in the transaction, the officer or employee shall prepare and file the required declaration by  
797 the end of the next business day.

798 *J. The clerk of the governing body or school board that releases any form to the public pursuant to*  
 799 *this section shall redact from the form any residential address, personal telephone number, or signature*  
 800 *contained on such form; however, any form filed pursuant to subsection G shall not have any residential*  
 801 *addresses redacted.*

802 **§ 2.2-3116. Disclosure by certain constitutional officers.**

803 For the purposes of this chapter, holders of the constitutional offices of treasurer, sheriff, attorney for  
 804 the Commonwealth, clerk of the circuit court, and commissioner of the revenue of each county and city  
 805 shall be required to file with the Council, as a condition to assuming office, the Statement of Economic  
 806 Interests prescribed by the Council pursuant to § 2.2-3117. These officers shall file statements annually  
 807 on or before ~~January 15~~ *February 1*. Candidates shall file statements as required by § 24.2-502.  
 808 Statements shall be filed electronically with the Council in accordance with the standards approved by it  
 809 pursuant to § 30-356. These officers shall be subject to the prohibition on certain gifts set forth in  
 810 subsection B of § 2.2-3103.1.

811 **§ 2.2-3118.2. Disclosure form; filing requirements.**

812 *A. An officer or employee required to file an annual disclosure on or before February 1 pursuant to*  
 813 *this article shall disclose his personal interests and other information as required on the form*  
 814 *prescribed by the Council for the preceding calendar year complete through December 31. An officer or*  
 815 *employee required to file a disclosure as a condition to assuming office or employment shall file such*  
 816 *disclosure on or before the day such office or position of employment is assumed and disclose his*  
 817 *personal interests and other information as required on the form prescribed by the Council for the*  
 818 *preceding 12-month period complete through the last day of the month immediately preceding the month*  
 819 *in which the office or position of employment is assumed; however, any officer or employee who*  
 820 *assumes office or a position of employment in January shall be required to only file an annual*  
 821 *disclosure on or before February 1 for the preceding calendar year complete through December 31.*

822 *B. When the deadline for filing any disclosure pursuant to this article falls on a Saturday, Sunday,*  
 823 *or legal holiday, the deadline for filing shall be the next day that is not a Saturday, Sunday, or legal*  
 824 *holiday.*

825 **§ 2.2-3121. Advisory opinions.**

826 *A. A state officer or employee shall not be prosecuted for a knowing violation of this chapter if the*  
 827 *alleged violation resulted from his good faith reliance on a written opinion of the Attorney General or a*  
 828 *formal opinion or written informal advice of the ~~Virginia Conflict of Interest and Ethics Advisory~~*  
 829 *Council made in response to his written request for such opinion or advice and the opinion or advice*  
 830 *was made after a full disclosure of the facts regardless of whether such opinion or advice is later*  
 831 *withdrawn provided the alleged violation occurred prior to the withdrawal of the opinion or advice.*

832 *B. A local officer or employee shall not be prosecuted for a knowing violation of this chapter if the*  
 833 *alleged violation resulted from his good faith reliance on a written opinion of the attorney for the*  
 834 *Commonwealth or a formal opinion or written informal advice of the Council made in response to his*  
 835 *written request for such opinion or advice and the opinion or advice was made after a full disclosure of*  
 836 *the facts regardless of whether such opinion or advice is later withdrawn, provided that the alleged*  
 837 *violation occurred prior to the withdrawal of the opinion or advice. The written opinion of the attorney*  
 838 *for the Commonwealth shall be a public record and shall be released upon request.*

839 *C. If any officer or employee serving at the local level of government is charged with a knowing*  
 840 *violation of this chapter, and the alleged violation resulted from his reliance upon a written opinion of*  
 841 *his county, city, or town attorney, made after a full disclosure of the facts, that such action was not in*  
 842 *violation of this chapter, then the officer or employee shall have the right to introduce a copy of the*  
 843 *opinion at his trial as evidence that he did not knowingly violate this chapter.*

844 **§ 2.2-4369. Proscribed participation by public employees in procurement transactions.**

845 Except as may be specifically allowed by subdivisions *A B 1, 2, and 3 and 4* of § 2.2-3112, no  
 846 public employee having official responsibility for a procurement transaction shall participate in that  
 847 transaction on behalf of the public body when the employee knows that:

848 1. The employee is contemporaneously employed by a bidder, offeror or contractor involved in the  
 849 procurement transaction;

850 2. The employee, the employee's partner, or any member of the employee's immediate family holds a  
 851 position with a bidder, offeror or contractor such as an officer, director, trustee, partner or the like, or is  
 852 employed in a capacity involving personal and substantial participation in the procurement transaction,  
 853 or owns or controls an interest of more than five percent;

854 3. The employee, the employee's partner, or any member of the employee's immediate family has a  
 855 pecuniary interest arising from the procurement transaction; or

856 4. The employee, the employee's partner, or any member of the employee's immediate family is  
 857 negotiating, or has an arrangement concerning, prospective employment with a bidder, offeror or  
 858 contractor.

859 **§ 24.2-502. Statement of economic interests as requirement of candidacy.**

860 It shall be a requirement of candidacy that a written statement of economic interests shall be filed by  
 861 (i) a candidate for Governor, Lieutenant Governor, or Attorney General; *and* a candidate for the Senate  
 862 or House of Delegates; ~~and a candidate for a constitutional office with the Virginia Conflict of Interest~~  
 863 ~~and Ethics Advisory Council and State Board~~, (ii) *a candidate for a constitutional office with the*  
 864 *general registrar for the county or city, and (iii) a candidate for member of the governing body or*  
 865 *elected school board of any county, city, or town with a population in excess of 3,500 persons with the*  
 866 *general registrar for the county or city. The statement of economic interests shall be that specified in*  
 867 *§ 30-111 for candidates for the General Assembly and in § 2.2-3117 for all other candidates. The*  
 868 *foregoing requirement shall not apply to a candidate for reelection to the same office who has met the*  
 869 *requirement of annually filing a statement pursuant to § 2.2-3114, 2.2-3115, 2.2-3116, or 30-110.*

870 ~~The Virginia Conflict of Interest and Ethics Advisory Council shall transmit to the State Board,~~  
 871 ~~immediately after the filing deadline, a list of the candidates who have filed initial or annual statements~~  
 872 ~~of economic interests. The general registrar, the clerk of the local governing body, or the clerk of the~~  
 873 ~~school board, as appropriate, shall transmit to the local electoral board, immediately after the filing~~  
 874 ~~deadline, a list of the candidates who have filed initial or annual statements of economic interests.~~

875 **§ 30-101. Definitions.**

876 As used in this chapter, unless the context requires a different meaning:

877 "Advisory agency" means any board, commission, committee or post which does not exercise any  
 878 sovereign power or duty, but is appointed by a governmental agency or officer or is created by law for  
 879 the purpose of making studies or recommendations, or advising or consulting with a governmental  
 880 agency.

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

884 "Candidate" means a person who seeks or campaigns for election to the General Assembly in a  
 885 general, primary, or special election and who is qualified to have his name placed on the ballot for the  
 886 office. The candidate shall become subject to the provisions of this section upon the filing of a  
 887 statement of qualification pursuant to § 24.2-501. The State Board of Elections shall notify each such  
 888 candidate of the provisions of this chapter.

889 "Contract" means any agreement to which a governmental agency is a party, or any agreement on  
 890 behalf of a governmental agency that involves the payment of money appropriated by the General  
 891 Assembly or a political subdivision, whether or not such agreement is executed in the name of the  
 892 Commonwealth, or some political subdivision thereof. "Contract" includes a subcontract only when the  
 893 contract of which it is a part is with the legislator's own governmental agency.

894 "Council" means the Virginia Conflict of Interest and Ethics Advisory Council established in  
 895 § 30-355.

896 "Financial institution" means any bank, trust company, savings institution, industrial loan association,  
 897 consumer finance company, credit union, broker-dealer as defined in subsection A of § 13.1-501, or  
 898 investment company or advisor registered under the federal Investment Advisors Act or Investment  
 899 Company Act of 1940.

900 "Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item  
 901 having monetary value. It includes services as well as gifts of transportation, lodgings and meals,  
 902 whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the  
 903 expense has been incurred. "Gift" does not include (i) any offer of a ticket, coupon, or other admission  
 904 or pass unless the ticket, coupon, admission, or pass is used; (ii) honorary degrees; (iii) any athletic,  
 905 merit, or need-based scholarship or any other financial aid awarded by a public or private school,  
 906 institution of higher education, or other educational program pursuant to such school, institution, or  
 907 program's financial aid standards and procedures applicable to the general public; (iv) a campaign  
 908 contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2;  
 909 (v) any gift related to the private profession or occupation *or volunteer service* of a legislator or of a  
 910 member of his immediate family; (vi) food or beverages consumed while attending an event at which  
 911 the filer is performing official duties related to his public service; (vii) food and beverages received at or  
 912 registration or attendance fees waived for any event at which the filer is a featured speaker, presenter, or  
 913 lecturer; (viii) unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall  
 914 memento, or similar item that is given in recognition of public, civic, charitable, or professional service;  
 915 (ix) a devise or inheritance; (x) travel disclosed pursuant to the Campaign Finance Disclosure Act  
 916 (§ 24.2-945 et seq.); (xi) travel paid for or provided by the government of the United States, any of its  
 917 territories, or any state or any political subdivision of such state; (xii) travel provided to facilitate  
 918 attendance by a legislator at a regular or special session of the General Assembly, a meeting of a  
 919 legislative committee or commission, or a national conference where attendance is approved by the  
 920 House Committee on Rules or its Chairman or the Senate Committee on Rules or its Chairman; (xiii)

921 travel related to an official meeting of, *or any meal provided for attendance at such meeting by*, the  
 922 Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any  
 923 charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with  
 924 such entity, to which such person has been appointed or elected or is a member by virtue of his office  
 925 or employment; (xiv) gifts with a value of less than \$20; ~~or~~ (xv) *attendance at a reception or similar*  
 926 *function where food, such as hors d'oeuvres, and beverages that can be conveniently consumed by a*  
 927 *person while standing or walking are offered; or (xvi) gifts from relatives or personal friends. For the*  
 928 purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece, nephew, or first  
 929 cousin; a person to whom the donee is engaged to be married; the donee's or his spouse's parent,  
 930 grandparent, grandchild, brother, sister, step-parent, step-grandparent, step-grandchild, step-brother, or  
 931 step-sister; or the donee's brother's or sister's spouse *or the donee's son-in-law or daughter-in-law*. For  
 932 the purpose of this definition, "personal friend" does not include any person that the filer knows or has  
 933 reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title  
 934 2.2 or (b) a lobbyist's principal as defined in § 2.2-419.

935 "Governmental agency" means each component part of the legislative, executive or judicial branches  
 936 of state and local government, including each office, department, authority, post, commission,  
 937 committee, and each institution or board created by law to exercise some regulatory or sovereign power  
 938 or duty as distinguished from purely advisory powers or duties.

939 "Immediate family" means (i) a spouse and (ii) any other person who resides in the same household  
 940 as the legislator and who is a dependent of the legislator.

941 "Legislator" means a member of the General Assembly.

942 "Personal interest" means a financial benefit or liability accruing to a legislator or to a member of his  
 943 immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership  
 944 interest exceeds three percent of the total equity of the business; (ii) annual income that exceeds, or may  
 945 reasonably be anticipated to exceed, \$5,000 from ownership in real or personal property or a business;  
 946 (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination  
 947 thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be  
 948 anticipated to exceed, \$5,000 annually; (iv) ownership of real or personal property if the interest exceeds  
 949 \$5,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe  
 950 benefits or benefits from the use of property; (v) personal liability incurred or assumed on behalf of a  
 951 business if the liability exceeds three percent of the asset value of the business; or (vi) an option for  
 952 ownership of a business or real or personal property if the ownership interest will consist of clause (i) or  
 953 (iv).

954 "Personal interest in a contract" means a personal interest that a legislator has in a contract with a  
 955 governmental agency, whether due to his being a party to the contract or due to a personal interest in a  
 956 business that is a party to the contract.

957 "Personal interest in a transaction" means a personal interest of a legislator in any matter considered  
 958 by the General Assembly. Such personal interest exists when ~~an officer or employee~~ *a legislator* or a  
 959 member of his immediate family has a personal interest in property or a business, or represents or  
 960 provides services to any individual or business and such property, business or represented or served  
 961 individual or business (i) is the subject of the transaction or (ii) may realize a reasonably foreseeable  
 962 direct or indirect benefit or detriment as a result of the action of the agency considering the transaction.  
 963 A "personal interest in a transaction" exists only if the legislator or member of his immediate family or  
 964 an individual or business represented or served by the legislator is affected in a way that is substantially  
 965 different from the general public or from persons comprising a profession, occupation, trade, business or  
 966 other comparable and generally recognizable class or group of which he or the individual or business he  
 967 represents or serves is a member.

968 "Transaction" means any matter considered by the General Assembly, whether in a committee,  
 969 subcommittee, or other entity of the General Assembly or before the General Assembly itself, on which  
 970 official action is taken or contemplated.

971 **§ 30-103.1. Certain gifts prohibited.**

972 A. For purposes of this section:

973 "Widely attended event" means an event at which at least 25 persons have been invited to attend or  
 974 there is a reasonable expectation that at least 25 persons will attend the event and the event is open to  
 975 individuals (i) ~~who share a common interest,~~ (ii) who are members of a public, civic, charitable, or  
 976 professional organization, (iii) (ii) who are from a particular industry or profession, or (iv) (iii) who  
 977 represent persons interested in a particular issue.

978 B. No legislator or candidate for the General Assembly required to file the disclosure form prescribed  
 979 in § 30-111 or a member of his immediate family shall solicit, accept, or receive any single gift for  
 980 himself or a member of his immediate family with a value in excess of \$100 or any combination of  
 981 gifts with an aggregate value in excess of \$100 within any calendar year for himself or a member of his  
 982 immediate family from any person that he or a member of his immediate family knows or has reason to



983 know is (i) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 or (ii)  
984 a lobbyist's principal as defined in § 2.2-419. Gifts with a value of less than \$20 are not subject to  
985 aggregation for purposes of this prohibition.

986 C. Notwithstanding the provisions of subsection B, a legislator or candidate or a member of his  
987 immediate family may accept or receive a gift of food and beverages, entertainment, or the cost of  
988 admission with a value in excess in \$100 when such gift is accepted or received while in attendance at a  
989 widely attended event and is associated with the event. Such gifts shall be reported on the disclosure  
990 form prescribed in § 30-111.

991 D. Notwithstanding the provisions of subsection B, a legislator or a member of his immediate family  
992 may accept or receive a gift from a foreign dignitary with a value exceeding \$100 for which the fair  
993 market value or a gift of greater or equal value has not been provided or exchanged. Such gift shall be  
994 accepted on behalf of the Commonwealth and archived in accordance with guidelines established by the  
995 Library of Virginia. Such gift shall be disclosed as having been accepted on behalf of the  
996 Commonwealth, but the value of such gift shall not be required to be disclosed.

997 E. Notwithstanding the provisions of subsection B, a legislator or candidate or a member of his  
998 immediate family may accept or receive certain gifts with a value in excess of \$100 from a person listed  
999 in subsection B if such gift was provided to the legislator or candidate or a member of his immediate  
1000 family on the basis of a personal friendship. Notwithstanding any other provision of law, a person listed  
1001 in subsection B may be a personal friend of the legislator or candidate or his immediate family for  
1002 purposes of this subsection. In determining whether a person listed in subsection B is a personal friend,  
1003 the following factors shall be considered: (i) the circumstances under which the gift was offered; (ii) the  
1004 history of the relationship between the person and the donor, including the nature and length of the  
1005 friendship and any previous exchange of gifts between them; (iii) to the extent known to the person,  
1006 whether the donor personally paid for the gift or sought a tax deduction or business reimbursement for  
1007 the gift; and (iv) whether the donor has given the same or similar gifts to other persons required to file  
1008 the disclosure form prescribed in § 2.2-3117 or 30-111.

1009 F. Notwithstanding the provisions of subsection B, a legislator or candidate or a member of his  
1010 immediate family may accept or receive gifts of travel, including travel-related transportation, lodging,  
1011 hospitality, food or beverages, or other thing of value, with a value in excess of \$100 that is paid for or  
1012 provided by a person listed in subsection B when the legislator or candidate has submitted a request for  
1013 approval of such travel to the Council and has received the approval of the Council pursuant to  
1014 § 30-356.1. Such gifts shall be reported on the disclosure form prescribed in § 30-111.

1015 G. The \$100 limitation imposed in accordance with this section shall be adjusted by the Council  
1016 every five years, as of January 1 of that year, in an amount equal to the annual increases for that  
1017 five-year period in the United States Average Consumer Price Index for all items, all urban consumers  
1018 (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, rounded to the  
1019 nearest whole dollar.

1020 **§ 30-105. Prohibited contracts by legislators.**

1021 A. No legislator shall have a personal interest in a contract with the legislative branch of state  
1022 government.

1023 B. No legislator shall have a personal interest in a contract with any governmental agency of the  
1024 executive or judicial branches of state government, other than in a contract of regular employment,  
1025 unless such contract is awarded as a result of competitive sealed bidding or competitive negotiation as  
1026 set forth in § 2.2-4302.1 or 2.2-4302.2 or is exempted from competitive sealed bidding or competitive  
1027 negotiation pursuant to § 2.2-4344.

1028 C. No legislator shall have a personal interest in a contract with any governmental agency of local  
1029 government, other than in a contract of regular employment, unless such contract is (i) awarded as a  
1030 result of competitive sealed bidding or competitive negotiation as set forth in § 2.2-4302.1 or 2.2-4302.2  
1031 or is awarded as a result of a procedure embodying competitive principles as authorized by subdivision  
1032 A 10 or A 11 of § 2.2-4343; ~~or~~; (ii) ~~is exempted from competitive sealed bidding, competitive~~  
1033 ~~negotiation, or a procedure embodying competitive principles pursuant to § 2.2-4344; or (iii) awarded~~  
1034 after a finding, in writing, by the administrative head of the local governmental agency that competitive  
1035 bidding or negotiation is contrary to the best interest of the public.

1036 D. The provisions of this section shall not apply to contracts for the sale by a governmental agency  
1037 of services or goods at uniform prices available to the general public.

1038 E. The provisions of this section shall not apply to a legislator's personal interest in a contract  
1039 between a public institution of higher education in Virginia and a publisher or wholesaler of textbooks  
1040 or other educational materials for students, which accrues to him solely because he has authored or  
1041 otherwise created such textbooks or materials.

1042 **§ 30-106. Further exceptions.**

1043 A. The provisions of § 30-105 shall not apply to:

1044 1. The sale, lease or exchange of real property between a legislator and a governmental agency,  
 1045 provided the legislator does not participate in any way as a legislator in such sale, lease or exchange,  
 1046 and this fact is set forth as a matter of public record by the governing body of the governmental agency  
 1047 or by the administrative head thereof. The legislator shall disclose any lease with a state governmental  
 1048 agency in his statement of economic interests as provided in § 30-111;

1049 2. The publication of official notices;

1050 3. A legislator whose sole personal interest in a contract with an agency of the legislative branch is  
 1051 by reason of income from the contracting firm or General Assembly in excess of \$10,000 \$5,000 per  
 1052 year, provided the legislator or member of his immediate family does not participate and has no  
 1053 authority to participate in the procurement or letting of the contract on behalf of the contracting firm  
 1054 and the legislator either does not have authority to participate in the procurement or letting of the  
 1055 contract on behalf of the agency or he disqualifies himself as a matter of public record and does not  
 1056 participate on behalf of the agency in negotiating the contract or in approving the contract;

1057 4. Contracts between a legislator's governmental agency and a public service corporation, financial  
 1058 institution, or company furnishing public utilities in which the legislator has a personal interest, provided  
 1059 he disqualifies himself as a matter of public record and does not participate on behalf of the agency in  
 1060 negotiating the contract or in approving the contract;

1061 5. Contracts for the purchase of goods or services when the contract does not exceed \$500; or

1062 6. Grants or other payments under any program wherein uniform rates for, or the amounts paid to,  
 1063 all qualified applicants are established solely by the administering governmental agency.

1064 B. Neither the provisions of this chapter nor, unless expressly provided otherwise, any amendments  
 1065 thereto shall apply to those employment contracts or renewals thereof or to any other contracts entered  
 1066 into prior to August 1, 1987, which were in compliance with either the former Virginia Conflict of  
 1067 Interests Act, Chapter 22 (§ 2.1-347 et seq.) or the former Comprehensive Conflict of Interests Act,  
 1068 Chapter 40 (§ 2.1-599 et seq.) of Title 2.1 at the time of their formation and thereafter. Those contracts  
 1069 shall continue to be governed by the provisions of the appropriate prior Act. Notwithstanding the  
 1070 provisions of subdivision (f) (4) of former § 2.1-348 of Chapter 22 of Title 2.1 in effect prior to July 1,  
 1071 1983, the employment by the same governmental agency of a legislator and spouse or any other relative  
 1072 residing in the same household shall not be deemed to create a material financial interest except when  
 1073 one of such persons is employed in a direct supervisory or administrative position, or both, with respect  
 1074 to such spouse or other relative residing in his household, and the annual salary of such subordinate is  
 1075 \$15,000 or more.

1076 **§ 30-110. Disclosure.**

1077 A. ~~Every~~ *In accordance with the requirements set forth in § 30-111.1, every* legislator and  
 1078 legislator-elect shall file, as a condition to assuming office, a disclosure statement of his personal  
 1079 interests and such other information as is required on the form prescribed by the Council pursuant to  
 1080 § 30-111 and thereafter shall file such a statement annually on or before ~~January 15. When the filing~~  
 1081 ~~deadline falls on a Saturday, Sunday, or legal holiday, the disclosure statement shall be filed on the next~~  
 1082 ~~day that is not a Saturday, Sunday, or legal holiday~~ *February 1.* Disclosure forms shall be made  
 1083 available by the Virginia Conflict of Interest and Ethics Advisory Council at least 30 days prior to the  
 1084 filing deadline. Disclosure forms shall be filed electronically with the Virginia Conflict of Interest and  
 1085 Ethics Advisory Council in accordance with the standards approved by it pursuant to § 30-356. The  
 1086 disclosure forms of the members of the General Assembly shall be maintained as public records for five  
 1087 years in the office of the Virginia Conflict of Interest and Ethics Advisory Council. Such forms shall be  
 1088 made public no later than six weeks after *the filing deadline.*

1089 B. Candidates for the General Assembly shall file a disclosure statement of their personal interests as  
 1090 required by §§ 24.2-500 through 24.2-503.

1091 C. Any legislator who has a personal interest in any transaction pending before the General  
 1092 Assembly and who is disqualified from participating in that transaction pursuant to § 30-108 and the  
 1093 rules of his house shall disclose his interest in accordance with the applicable rule of his house.

1094 **§ 30-111.1. Disclosure form; filing requirements.**

1095 A. *A legislator or legislator-elect required to file an annual disclosure on or before February 1*  
 1096 *pursuant to this article shall disclose his personal interests and other information as required on the*  
 1097 *form prescribed by the Council for the preceding calendar year complete through December 31. A*  
 1098 *legislator or legislator-elect required to file a disclosure as a condition to assuming office shall file such*  
 1099 *disclosure on or before the day such office is assumed and disclose his personal interests and other*  
 1100 *information as required on the form prescribed by the Council for the preceding 12-month period*  
 1101 *complete through the last day of the month immediately preceding the month in which the office is*  
 1102 *assumed; however, any legislator or legislator-elect who assumes office in January shall be required to*  
 1103 *only file an annual disclosure on or before February 1 for the preceding calendar year complete*  
 1104 *through December 31.*

1105 B. *When the deadline for filing any disclosure pursuant to this article falls on a Saturday, Sunday,*

1106 or legal holiday, the deadline for filing shall be the next day that is not a Saturday, Sunday, or legal  
1107 holiday.

1108 **§ 30-124. Advisory opinions.**

1109 A legislator shall not be prosecuted or disciplined for a violation of this chapter if his alleged  
1110 violation resulted from his good faith reliance on a written opinion of a committee on standards of  
1111 conduct established pursuant to § 30-120, an opinion of the Attorney General as provided in § 30-122,  
1112 or a formal opinion or written informal advice of the Virginia Conflict of Interest and Ethics Advisory  
1113 Council established pursuant to § 30-355, and the opinion or advice was made after his full disclosure of  
1114 the facts regardless of whether such opinion or advice is later withdrawn provided the alleged violation  
1115 occurred prior to the withdrawal of the opinion or advice.

1116 **§ 30-129.1. Orientation sessions on ethics and conflicts of interests.**

1117 The Virginia Conflict of Interest and Ethics Advisory Council shall conduct an orientation session (i)  
1118 for new and returning General Assembly members preceding each even-numbered year regular session  
1119 and (ii) for any new General Assembly member who is elected in a special election and whose term  
1120 commences after the date of the orientation session provided for in clause (i) and at least six months  
1121 before the date of the next such orientation session within three months of his election. Attendance at  
1122 the full orientation session shall be mandatory for newly elected members. Attendance at a refresher  
1123 session lasting at least two hours shall be mandatory for returning members and may be accomplished  
1124 by online participation. There shall be no penalty for the failure of a member to attend the full or  
1125 refresher orientation session, but the member must disclose his attendance pursuant to § 30-111.

1126 **§ 30-356. Powers and duties of the Council.**

1127 The Council shall:

1128 1. Prescribe the forms required for complying with the disclosure requirements of Article 3 and the  
1129 Acts. These forms shall be the only forms used to comply with the provisions of Article 3 or the Acts.  
1130 The Council shall make available the disclosure forms and shall provide guidance and other instructions  
1131 to assist in the completion of the forms;

1132 2. Review all disclosure forms filed by lobbyists pursuant to Article 3 and by state government  
1133 officers and employees and legislators pursuant to the Acts. The Council may review disclosure forms  
1134 for completeness, including reviewing the information contained on the face of the form to determine if  
1135 the disclosure form has been fully completed and comparing the disclosures contained in any disclosure  
1136 form filed by a lobbyist pursuant to § 2.2-426 with other disclosure forms filed with the Council, and  
1137 requesting any amendments to ensure the completeness of and correction of errors in the forms, if  
1138 necessary. If a disclosure form is found to have not been filed or to have been incomplete as filed, the  
1139 Council shall notify the filer in writing and direct the filer to file a completed disclosure form within a  
1140 prescribed period of time, and such notification shall be confidential and is excluded from the provisions  
1141 of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.);

1142 3. Require all disclosure forms and lobbyist registration statements that are required to be filed with  
1143 the Council to be filed electronically in accordance with the standards approved by the Council. The  
1144 Council shall provide software or electronic access for filing the required disclosure forms to all filers  
1145 and registration statements without charge to all individuals required to file with the Council. The  
1146 Council shall prescribe the method of execution and certification of electronically filed forms, including  
1147 the use of an electronic signature as authorized by the Uniform Electronic Transactions Act (§ 59.1-479  
1148 et seq.). The Council may grant extensions as provided in § 30-356.2 and may authorize a designee to  
1149 grant such extensions;

1150 4. Accept and review any statement received from a filer disputing the receipt by such filer of a gift  
1151 that has been disclosed on the form filed by a lobbyist pursuant to Article 3;

1152 5. Beginning July 1, 2016, establish and maintain a searchable electronic database comprising those  
1153 disclosure forms that are filed with the Council pursuant to §§ 2.2-426, 2.2-3117, 2.2-3118, and 30-111.  
1154 Such database shall be available to the public through the Council's official website;

1155 6. Furnish, upon request, formal advisory opinions or guidelines and other appropriate information,  
1156 including informal advice, regarding ethics, conflicts issues arising under Article 3 or the Acts, or a  
1157 person's duties under Article 3 or the Acts to any person covered by Article 3 or the Acts or to any  
1158 agency of state or local government, in an expeditious manner. The Council may authorize a designee to  
1159 furnish formal opinions or informal advice. Formal advisory opinions are public record and shall be  
1160 published on the Council's website; however, no formal advisory opinion furnished by a designee of the  
1161 Council shall be available to the public or published until such opinion has been approved by the  
1162 Council. Published formal advisory opinions may have such deletions and changes as may be necessary  
1163 to protect the identity of the person involved or other persons supplying information. Informal advice  
1164 given by the Council or the Council's designee is confidential and is excluded from the mandatory  
1165 disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.); however, if the  
1166 recipient invokes the immunity provisions of § 2.2-3121 or 30-124, the record of the request and the

1167 *informal advice given shall be deemed to be a public record and shall be released upon request. Other*  
1168 records relating to formal advisory opinions or informal advice, including records of requests, notes,  
1169 correspondence, and draft versions of such opinions or advice, shall also be confidential and excluded  
1170 from the mandatory disclosure provisions of the Virginia Freedom of Information Act;

1171 7. Conduct training seminars and educational programs for lobbyists, state and local government  
1172 officers and employees, legislators, and other interested persons on the requirements of Article 3 and the  
1173 Acts and provide ethics orientation sessions for legislators in compliance with Article 6 (§ 30-129.1 et  
1174 seq.) of Chapter 13;

1175 8. Approve orientation courses conducted pursuant to § 2.2-3128 and, upon request, review the  
1176 educational materials and approve any training or course on the requirements of Article 3 and the Acts  
1177 conducted for state and local government officers and employees;

1178 9. Publish such educational materials as it deems appropriate on the provisions of Article 3 and the  
1179 Acts;

1180 10. Review actions taken in the General Assembly with respect to the discipline of its members for  
1181 the purpose of offering nonbinding advice;

1182 11. Request from any agency of state or local government such assistance, services, and information  
1183 as will enable the Council to effectively carry out its responsibilities. Information provided to the  
1184 Council by an agency of state or local government shall not be released to any other party unless  
1185 authorized by such agency;

1186 12. Redact from any document or form that is to be made available to the public any residential  
1187 address, personal telephone number, or signature contained on that document or form; and

1188 13. Report on or before December 1 of each year on its activities and findings regarding Article 3  
1189 and the Acts, including recommendations for changes in the laws, to the General Assembly and the  
1190 Governor. The annual report shall be submitted by the chairman as provided in the procedures of the  
1191 Division of Legislative Automated Systems for the processing of legislative documents and reports and  
1192 shall be published as a state document.

1193 **§ 30-356.2. Right to grant extensions in special circumstances; civil penalty.**

1194 A. Notwithstanding any other provision of law, any person required to file the disclosure form  
1195 prescribed in Article 3 or the Acts shall be entitled to an extension where good cause for granting such  
1196 an extension has been shown, as determined by the Council. Good cause shall include:

1197 1. The death of a relative of the filer, as relative is defined in the definition of "gift" in Article 3 or  
1198 the Acts.

1199 2. A state of emergency is declared by the Governor pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of  
1200 Title 44 or declared by the President of the United States or the governor of another state pursuant to  
1201 law and confirmed by the Governor by an executive order, and such an emergency interferes with the  
1202 timely filing of disclosure forms. The extension shall be granted only for those filers in areas affected  
1203 by such emergency.

1204 3. The filer is a member of a uniformed service of the United States and is on active duty on the  
1205 date of the filing deadline.

1206 4. A failure of the electronic filing system and the failure of such system prevents the timely filing  
1207 of disclosure forms.

1208 B. *For any person who is unable to timely file the disclosure form prescribed in the Acts due to the*  
1209 *disclosure form not being made available to him until after the deadline has passed, the Council shall*  
1210 *grant such person a five-day extension upon request. The head of the agency for which the person*  
1211 *works or the clerk of the school board or governing body of the locality that was responsible for*  
1212 *providing the disclosure form to such person shall be assessed a civil penalty in the amount equal to*  
1213 *\$250, to be collected in accordance with the procedure set forth in subsection B of § 2.2-3124. If the*  
1214 *disclosure form is provided to the person within three days prior to the filing deadline, the Council shall*  
1215 *grant such person a three-day extension upon request and no civil penalties shall be assessed against*  
1216 *the head of such person's agency or the clerk.*

1217 **2. That an emergency exists and the provisions amending §§ 2.2-426 and 24.2-502 of the Code of**  
1218 **Virginia are in force from the passage of this act and that the remaining provisions of this act**  
1219 **shall become effective in due course.**