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SENATE BILL NO. 889

Offered January 8, 2020

Prefiled January 8, 2020

A BILL to amend the Code of Virginia by adding in Chapter 9.3 of Title 24.2 an article numbered 3.1, consisting of sections numbered 24.2-948.5 through 24.2-948.8, and by adding in Article 8 of Chapter 9.3 of Title 24.2 a section numbered 24.2-953.6, relating to campaign finance; campaign contribution limits; civil penalty.

 Patron—Ebbin

 Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 9.3 of Title 24.2 an article numbered 3.1, consisting of sections numbered 24.2-948.5 through 24.2-948.8, and by adding in Article 8 of Chapter 9.3 of Title 24.2 a section numbered 24.2-953.6 as follows:

Article 3.1.

Contribution Limits.

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

A. No person, campaign committee, referendum committee, or inaugural committee shall make any single contribution, or any combination of contributions, that exceeds \$2,500 to any one candidate for the General Assembly or \$5,000 to any one candidate for Governor, Lieutenant Governor, or Attorney General in any single calendar year.

B. No political action committee, federal political action committee, or out-of-state political committee shall make any single contribution, or any combination of contributions, that exceeds \$5,000 to any one candidate for the General Assembly or \$10,000 to any one candidate for Governor, Lieutenant Governor, or Attorney General in any single calendar year.

C. No candidate shall solicit or accept contributions to the candidate's campaign committee in excess of the limits set forth in this section.

D. The limits set forth in this section shall not apply to contributions by (i) the candidate; (ii) the candidate's spouse, child, parent, or sibling; or (iii) a political party committee to the candidate's campaign committee.

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

F. Any contribution or portion thereof that is returned to the contributor within 60 days after receipt shall not be deemed to have been accepted for the purposes of applying the limits set forth in this section.

§ 24.2-948.6. Prohibition on indirect contributions.

For purposes of applying the contribution limits set forth in § 24.2-948.5, all direct or indirect contributions made by a person, campaign committee, referendum committee, inaugural committee, political action committee, federal political action committee, or out-of-state political committee to benefit a candidate, including any designated contributions or contributions otherwise explicitly directed through any other person, campaign committee, political committee, federal political action committee, out-of-state political committee, or political party committee exempted pursuant to § 24.2-950.1 for such purpose, shall be deemed to be contributions from such person or committee to such candidate.

§ 24.2-948.7. Aggregation of contributions.

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

1. All contributions made by a person, campaign committee, referendum committee, inaugural committee, political action committee, federal political action committee, or out-of-state political committee, whose contribution or expenditure activity is financed, maintained, or controlled by the same corporation, labor organization, association, or any other person, including a parent, subsidiary, branch, division, department, or local unit of such corporation, labor organization, association, or any other person, or by any group of such persons, shall be deemed to be made by the same person or committee; and

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

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59 **§ 24.2-948.8. Restrictions on loans.**

60 Any loan to a candidate campaign committee for Governor, Lieutenant Governor, Attorney General,
61 or the General Assembly shall be deemed to be a contribution from the maker and the guarantor of the
62 loan and is subject to the contribution limits set forth in § 24.2-948.5. A loan to a candidate campaign
63 committee must be by written agreement. The proceeds of a loan made to a candidate campaign
64 committee shall not be subject to the contribution limits stated in § 24.2-948.5 if the loan is made by the
65 candidate to his own campaign committee or is made by a commercial lending institution in the regular
66 course of business and on the same terms ordinarily available to members of the public and is secured
67 or guaranteed only by the candidate's campaign committee.

68 **§ 24.2-953.6. Violation of contribution limits; civil penalty.**

69 Any candidate for Governor, Lieutenant Governor, Attorney General, or the General Assembly whose
70 campaign committee knowingly accepts, or any contributor who knowingly makes to such candidate,
71 contributions in excess of the limits imposed in Article 3.1 (§ 24.2-948.5 et seq.) shall be subject to a
72 civil penalty of up to two times the amount by which the contribution exceeds the limit. The State Board
73 shall assess and collect such civil penalties, which shall be payable to the State Treasurer for deposit to
74 the general fund.