

24102078D

SENATE BILL NO. 301

Offered January 10, 2024

Prefiled January 9, 2024

A BILL to amend and reenact § 24.2-946.4 of the Code of Virginia and to amend the Code of Virginia by adding in Article 8 of Chapter 9.3 of Title 24.2 a section numbered 24.2-953.6, relating to campaign finance, required reports; extension of deadlines and appeal of fines.

Patron—DeSteph

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-946.4 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 8 of Chapter 9.3 of Title 24.2 a section numbered 24.2-953.6 as follows:

§ 24.2-946.4. Right to grant extensions in special circumstances.

A. The State Board shall provide instructions to filers for delivery of campaign finance reports within the time periods prescribed by law.

B. Notwithstanding any other provision of law, any candidate or treasurer required to file a report pursuant to this chapter shall be entitled to a 72-hour extension of the filing deadline if his spouse, parent, grandparent, child, grandchild, or sibling died within the 72 hours before the deadline. The State Board or the general registrar shall be authorized to grant an extension of the filing deadline for a period not to exceed five days for good cause shown by the filer and found by the Board or registrar sufficient to justify the granting of the extension.

C. The Commissioner of Elections shall have additional authority to extend a deadline established in this chapter for filing reports in emergency situations that interfere with the timely filing of reports. The extension shall be limited in scope to the areas and times affected by the emergency. The provisions of this subsection shall be applicable only in the case of an emergency declared by the Governor pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 or declared by the President of the United States and confirmed by the Governor by executive order as an emergency for the purposes of this subsection.

~~D. The Commissioner of Elections shall have additional authority to extend a any deadline established in this chapter for filing reports for a reasonable period for a candidate who serves as his own campaign treasurer and who is a member of a uniformed service of the United States called to active duty during a reporting period.~~

~~E. The State Board shall have authority to extend any deadline applicable to reports required to be filed by computer or electronic means in the event of a failure of the computer or electronic filing system that prevents timely filing. The extension shall not exceed a period of up to five days after restoration of the filing system to operating order.~~

~~F. D. The State Board or local electoral board shall have the authority to extend a deadline established in this chapter for filing reports for any candidate or treasurer who provides notice of extenuating circumstances that will prevent timely filing. Such extension shall be for a reasonable period given the totality of circumstances. Extenuating circumstances may include hospitalization, the death of a family member, being called to active duty, or other reasonable circumstances.~~

E. The State Board shall have authority also to grant extensions as provided in §§ 24.2-503 and 24.2-948.3.

§ 24.2-953.6. Appeal of penalties.

A. Any person or committee shall have the right to appeal a civil penalty assessed to it pursuant to this chapter by filing a petition of appeal within the 60 days following its actual receipt of written notice of such penalty. The petition shall be in writing and state the grounds upon which the appeal is being made. The petition and any supporting documentation shall be filed in writing with the State Board or the electoral board, as appropriate. The electoral board shall notify the State Board of any such petition that is filed with the electoral board.

B. The matter shall be heard by the State Board or the electoral board, as appropriate, and determined on the face of the petition and any supporting documentation submitted. The State Board or the electoral board may provide relief to the petitioner for good cause shown. Such relief may include forgiveness of all or a portion of an assessed civil penalty, the retroactive extension of a deadline, or other appropriate remedy. Such relief shall not include an exemption from filing a report that is otherwise required to be filed pursuant to this chapter.

C. Immediately after the conclusion of the appeal hearing, the entity conducting the hearing shall

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59 *notify the petitioner and, if applicable, the State Board, of its decision in writing. The decision on*
60 *appeal shall be final and not subject to further appeal.*

61 **2. That, notwithstanding the provisions of subsection A of § 24.2-953.6 of the Code of Virginia, as**
62 **created by this act, any person or committee assessed a civil penalty after January 1, 2020, and**
63 **prior to the enactment of this act shall have the right to appeal such civil penalty under the**
64 **provisions of § 24.2-953.6 of the Code of Virginia, as created by this act, within 120 days of its**
65 **enactment.**