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HOUSE BILL NO. 2480

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Delegate Cranwell)

(Patron Prior to Substitute—Delegate Melvin)

House Amendments in [] — February 1, 1997

A BILL to amend the Code of Virginia by adding in Title 24.2 a chapter numbered 9.1, consisting of a section numbered 24.2-940, relating to restrictions on campaign fundraising activities during legislative sessions; penalties.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 24.2 a chapter numbered 9.1, consisting of a section numbered 24.2-940, as follows:

CHAPTER 9.1.

CAMPAIGN FUNDRAISING; LEGISLATIVE SESSIONS.

§ 24.2-940. Campaign fundraising; legislative sessions; penalties.

A. No member of the General Assembly and no campaign committee of a member of the General Assembly shall solicit or accept a contribution for the campaign committee of any member of the General Assembly from any person or political committee on and after the first day of a regular session of the General Assembly through adjournment sine die of that session.

B. No person or political committee shall make or promise to make a contribution to a member of the General Assembly or his campaign committee on and after the first day of a regular session of the General Assembly through adjournment sine die of that session.

C. The restrictions of this section shall not apply (i) to a contribution made by a member of the General Assembly from his personal funds, (ii) to a contribution made to the campaign committee of a candidate in a special election, or (iii) to a contribution to a political committee that has not been solicited by a member of the General Assembly or statewide official.

D. As used in this section:

"Adjournment sine die" means adjournment on the last legislative day of the regular session, and such session does not include the ensuing reconvened session;

"Campaign committee," "contribution," "person," and "political committee" shall be defined as provided in § 24.2-901, except that "contribution" shall not include money, services, or things of value in any way provided by a candidate to his own campaign and the payment by the candidate of any primary filing fee;

"Solicit" means request a contribution, orally or in writing, but shall not include a request for support of a candidate or his position on an issue; and

"Statewide official" means the Governor, Lieutenant Governor, and Attorney General.

E. The Governor shall not solicit or accept a contribution from any person or political committee during the legislative session or at any other time during his term of office prior to the time of filing a written declaration of candidacy for election to another office as required by this title. The Lieutenant Governor and the Attorney General shall not solicit or accept a contribution from any person or political committee during the legislative session or at any other time during their respective terms of office prior to the time of filing a written declaration of candidacy for reelection or for election to another office as required by this title [; provided that the Governor, Lieutenant Governor, and Attorney General may solicit and/or accept contributions for the purpose of retiring his or her campaign debt] .

F. No member of the General Assembly or statewide official shall [~~solicit or~~ knowingly solicit or knowingly] accept a contribution from any person while that person is a party to any administrative or enforcement proceeding pending before an agency of the Commonwealth.

G. Any person who violates, or aids, abets, or participates in the violation of, this section shall be subject to a civil penalty equal to the amount of the prohibited contribution or promised contribution or \$500, whichever amount is greater. The attorney for the Commonwealth shall initiate civil proceedings to enforce the civil penalty provided herein. Any civil penalties collected shall be payable to the State Treasurer for deposit to the general fund.

ENGROSSED

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