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HOUSE BILL NO. 1952

Offered January 13, 2021

Prefiled January 11, 2021

A BILL to amend and reenact § 24.2-948.4 of the Code of Virginia and to amend the Code of Virginia by adding in Article 3 of Chapter 9.3 of Title 24.2 a section numbered 24.2-948.5, relating to campaign finance; prohibited personal use; child care exception.

Patrons—Simon, Convirs-Fowler, Helmer, Kory, Tran, Ayala, Bourne, Carter, Cole, M.L., Delaney, Guy, Hope, Hurst, Keam, Krizek, Levine, Lopez, Mugler, Mullin, Murphy, Plum, Price, Rasoul, Reid, Roem, Samirah, Sickles, Simonds, Subramanyam, Sullivan and Watts

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-948.4 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 3 of Chapter 9.3 of Title 24.2 a section numbered 24.2-948.5 as follows:

§ 24.2-948.4. Final report requirement; disbursement of surplus funds.

A. A final report shall be filed by every campaign committee which sets forth (i) all receipts and disbursements not previously reported, (ii) an accounting of the retirement of all debts, and (iii) the disposition of all surplus funds as provided in subsection D. The final report shall include a termination statement, signed by the candidate, that all reporting for the campaign committee is complete and final. Once a campaign committee's final report has been filed, no further report relating to that election shall be required.

B. A final report shall be required when (i) a candidate no longer seeks election to the same office in a successive election, (ii) a candidate seeks election to a different office, or (iii) the candidate is deceased.

C. If the candidate is deceased, the final report shall be filed and signed by the treasurer. If the candidate was serving as his own treasurer, his executor shall file and sign the final report. Any excess contributed funds shall be disposed of pursuant to the provisions of subsection D.

D. Amounts received by a candidate or his campaign committee as contributions that are in excess of the amount necessary to defray his campaign expenditures may be disposed of only by one or any combination of the following: (i) transferring the excess for use in a succeeding election or to retire the deficit in a preceding election; (ii) returning the excess to a contributor in an amount not to exceed the contributor's original contribution; (iii) donating the excess to any organization described in § 170(c) of the Internal Revenue Code; (iv) contributing the excess to one or more candidates or to any political committee that has filed a statement of organization pursuant to this chapter; (v) contributing the excess to any political party committee; and (vi) defraying any ordinary, nonreimbursed expense related to his elective office. It shall be unlawful for any person to convert any contributed moneys, securities, or like intangible personal property to his personal use or to the use of a member of the candidate's "immediate family" as that term is defined in § 30-101.

§ 24.2-948.5. Prohibited personal use.

It is unlawful for any person to convert any moneys, securities, or like intangible personal property contributed to a candidate or candidate's campaign committee to his personal use, the personal use of the candidate, or the personal use of a member of the candidate's immediate family, as that term is defined in § 30-101.

For purposes of this section, a contribution shall be considered to be converted to personal use if the contribution, in whole or in part, is used to fulfill any commitment, obligation, or expense that would exist irrespective of the person's seeking, holding, or maintaining public office. "Personal use" does not include the ordinary and accepted expenses related to campaigning for or holding elective office, including the use of campaign funds to pay for the candidate's child care expenses that are incurred as a direct result of campaign activity.

2. That the Attorney General shall issue an explanation of the provisions of the Campaign Finance Disclosure Act of 2006 (§ 24.2-945 et seq. of the Code of Virginia) that prohibit the personal use of campaign funds, pursuant to subsection E of § 24.2-946 of the Code of Virginia, in the form of an advisory opinion within 30 days of the enactment of this act.

3. That the State Board of Elections shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

4. That the State Board of Elections shall publish an updated summary of the provisions of the

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57 Campaign Finance Disclosure Act of 2006 (§ 24.2-945 et seq. of the Code of Virginia) required by
58 subdivision E of § 24.2-946 of the Code of Virginia reflecting the Attorney General's opinion issued
59 pursuant to the second enactment of this act and any regulations of the State Board of Elections
60 promulgated pursuant to the third enactment of this act within 30 days of the promulgation of
61 such regulations.