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HOUSE BILL NO. 1952**FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by Senator Surovell
on February 19, 2021)

(Patron Prior to Substitute—Delegate Simon)

A BILL to amend and reenact §§ 2.2-3711, 24.2-946, and 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 of campaign funds; civil penalty.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3711, 24.2-946, and 24.2-948.4 of the Code of Virginia are 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:

§ 2.2-3711. Closed meetings authorized for certain limited purposes.

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any public institution of higher education in the Commonwealth or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

9. Discussion or consideration by governing boards of public institutions of higher education of matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in the Commonwealth shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision,

60 (i) "foreign government" means any government other than the United States government or the
61 government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity
62 (a) created under the laws of the United States or of any state thereof if a majority of the ownership of
63 the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the
64 membership of any such entity is composed of foreign persons or foreign legal entities or (b) created
65 under the laws of a foreign government, and (iii) "foreign person" means any individual who is not a
66 citizen or national of the United States or a trust territory or protectorate thereof.

67 10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the
68 Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority,
69 and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from
70 private sources.

71 11. Discussion or consideration of honorary degrees or special awards.

72 12. Discussion or consideration of tests, examinations, or other information used, administered, or
73 prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

74 13. Discussion, consideration, or review by the appropriate House or Senate committees of possible
75 disciplinary action against a member arising out of the possible inadequacy of the disclosure statement
76 filed by the member, provided the member may request in writing that the committee meeting not be
77 conducted in a closed meeting.

78 14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to
79 consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing
80 body in open meeting finds that an open meeting will have an adverse effect upon the negotiating
81 position of the governing body or the establishment of the terms, conditions and provisions of the siting
82 agreement, or both. All discussions with the applicant or its representatives may be conducted in a
83 closed meeting.

84 15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic
85 activity and estimating general and nongeneral fund revenues.

86 16. Discussion or consideration of medical and mental health records subject to the exclusion in
87 subdivision 1 of § 2.2-3705.5.

88 17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to
89 subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and
90 discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game
91 information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3
92 and subdivision 11 of § 2.2-3705.7.

93 18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity
94 of, or information tending to identify, any prisoner who (i) provides information about crimes or
95 criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the
96 apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders
97 other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

98 19. Discussion of plans to protect public safety as it relates to terrorist activity or specific
99 cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement
100 or emergency service officials concerning actions taken to respond to such matters or a related threat to
101 public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2,
102 where discussion in an open meeting would jeopardize the safety of any person or the security of any
103 facility, building, structure, information technology system, or software program; or discussion of reports
104 or plans related to the security of any governmental facility, building or structure, or the safety of
105 persons using such facility, building or structure.

106 20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or
107 of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of
108 trustees of a trust established by one or more local public bodies to invest funds for postemployment
109 benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title
110 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the
111 Board of the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition,
112 holding or disposition of a security or other ownership interest in an entity, where such security or
113 ownership interest is not traded on a governmentally regulated securities exchange, to the extent that
114 such discussion (i) concerns confidential analyses prepared for the board of visitors of the University of
115 Virginia, prepared by the retirement system, or a local finance board or board of trustees, or the Virginia
116 College Savings Plan or provided to the retirement system, a local finance board or board of trustees, or
117 the Virginia College Savings Plan under a promise of confidentiality, of the future value of such
118 ownership interest or the future financial performance of the entity, and (ii) would have an adverse
119 effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a
120 local finance board or board of trustees, the board of visitors of the University of Virginia, or the
121 Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure

of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, and those portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality Review Team pursuant to § 32.1-283.8.

22. Those portions of meetings of the board of visitors of the University of Virginia or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or disposition by the Authority of real property, equipment, or technology software or hardware and related goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies plans of the Authority where disclosure of such strategies or plans would adversely affect the competitive position of the Authority; and members of the Authority's medical and teaching staffs and qualifications for appointments thereto.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application information subject to the exclusion in subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory

183 Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

184 31. Discussion or consideration by the Commitment Review Committee of information subject to the
185 exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually
186 violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

187 32. Discussion or consideration of confidential proprietary information and trade secrets developed
188 and held by a local public body providing certain telecommunication services or cable television services
189 and subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this
190 subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et
191 seq.).

192 33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless
193 Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets
194 subject to the exclusion in subdivision 19 of § 2.2-3705.6.

195 34. Discussion or consideration by the State Board of Elections or local electoral boards of voting
196 security matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1 *and review by the State Board*
197 *of Elections of complaints related to the personal use of campaign funds pursuant to § 24.2-948.5.*

198 35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee
199 created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative
200 files subject to the exclusion in subdivision B 1 of § 2.2-3706.

201 36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of
202 information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and
203 meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and
204 consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or
205 recover scholarship awards.

206 37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion
207 in subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia
208 Port Authority.

209 38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting
210 pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26,
211 by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College
212 Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment
213 Advisory Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in
214 subdivision 24 of § 2.2-3705.7.

215 39. Discussion or consideration of information subject to the exclusion in subdivision 3 of
216 § 2.2-3705.6 related to economic development.

217 40. Discussion or consideration by the Board of Education of information relating to the denial,
218 suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

219 41. Those portions of meetings of the Virginia Military Advisory Council or any commission created
220 by executive order for the purpose of studying and making recommendations regarding preventing
221 closure or realignment of federal military and national security installations and facilities located in
222 Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization
223 appointed by a local governing body, during which there is discussion of information subject to the
224 exclusion in subdivision 8 of § 2.2-3705.2.

225 42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of
226 information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable
227 information of donors.

228 43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of
229 information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information
230 contained in grant applications.

231 44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority
232 of information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or
233 charges for the use of projects of, the sale of products of, or services rendered by the Authority and
234 certain proprietary information of a private entity provided to the Authority.

235 45. Discussion or consideration of personal and proprietary information related to the resource
236 management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii)
237 subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records
238 that contain information that has been certified for release by the person who is the subject of the
239 information or transformed into a statistical or aggregate form that does not allow identification of the
240 person who supplied, or is the subject of, the information.

241 46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control
242 Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to
243 investigations of applicants for licenses and permits and of licensees and permittees.

244 47. Discussion or consideration of grant or loan application records subject to the exclusion in

subdivision 28 of § 2.2-3705.6 related to the submission of an application for an award from the Virginia Research Investment Fund pursuant to Article 8 (§ 23.1-3130 et seq.) of Chapter 31 of Title 23.1 or interviews of parties to an application by a reviewing entity pursuant to subsection D of § 23.1-3133 or by the Virginia Research Investment Committee.

48. Discussion or development of grant proposals by a regional council established pursuant to Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity Board.

49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child by a child sexual abuse response team established pursuant to § 15.2-1627.5, or (iii) individual cases involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and 63.2-1605.

50. Discussion or consideration by the Board of the Virginia Economic Development Partnership Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33 of § 2.2-3705.7.

51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

§ 24.2-946. Summary of election laws; forms; instructions.

A. The State Board shall summarize the provisions of the election laws relating to the Campaign Finance Disclosure Act of 2006 and provide for distribution of this summary and prescribed forms to each candidate, person, or committee on request or upon their first filing with the State Board pursuant to this chapter, whichever occurs first.

B. The State Board shall designate the forms required for complying with this chapter which shall be the only such forms used in complying with the provisions of this chapter.

C. The State Board shall provide, with the summary required by this section, instructions for persons filing reports pursuant to this chapter to assist them in completing the reports. The instructions shall include directions for the reporting of filing fees for any party nomination method.

D. The State Board shall provide instructions for candidates who seek election for successive terms in the same office for the filing of reports within each appropriate election cycle for the office and for the aggregation of contributions within each election cycle.

E. The State Board, in consultation with the Office of the Attorney General, shall provide, with the summary required by this section, to each candidate, person, or committee on request or upon their first filing with the State Board pursuant to this chapter, whichever occurs first, a copy of a written explanation prepared by the Attorney General of develop and publish guidance on the provisions of the Act that prohibit the personal use of campaign funds. The explanation Such guidance shall cover the provisions that prohibit the personal use of campaign funds and, shall delineate the differences between prohibited personal uses of campaign funds and permitted uses of the funds, and shall include examples of conduct that complies with and that violates such provisions. The State Board shall periodically update such guidance to incorporate advisory opinions and additional examples.

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

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

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

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

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

332 **§ 24.2-948.5. Prohibited personal use of campaign funds; civil penalty.**

333 A. For the purpose of this section:

334 "Immediate family" means (i) a spouse or (ii) any other person who resides in the same household
335 as the candidate or public officeholder and who is a dependent of the candidate or public officeholder.

336 "Personal use of campaign funds" means the use of contributions to a candidate or his campaign
337 committee, or the use or conversion of items acquired using such contributions, for a strictly personal
338 purpose that has no intended, reasonable, or foreseeable benefit to the candidate's campaign or public
339 office.

340 B. It is unlawful for any person to make personal use of campaign funds. The following are not a
341 violation under this section:

342 1. The use of campaign funds to pay for the candidate's child care expenses that are incurred as a
343 direct result of campaign activity;

344 2. The use of campaign funds to reimburse the candidate or a member of his immediate family in
345 accordance with § 24.2-947.2, if such reimbursement equals the amount expended by the candidate or a
346 member of his immediate family;

347 3. The use of campaign funds to reimburse the candidate or an employee of or volunteer with the
348 candidate's campaign or public office for lodging and mileage traveled, provided that such
349 reimbursements are for mileage incurred to the benefit of the campaign or public office and are paid in
350 accordance with the applicable provisions of the Internal Revenue Code;

351 4. The use of campaign funds to pay for goods and services actually provided to the campaign by a
352 member of the candidate's immediate family if such payment does not exceed the fair market value of
353 the goods or services actually provided;

354 5. The use of campaign funds to pay for the attendance or entry fee of the candidate, a member of
355 the candidate's immediate family, or an employee of or volunteer with the candidate's campaign or
356 public office at a community, professional, educational, fundraising, or political event, retreat, or
357 meeting that has an intended, reasonable, or foreseeable benefit to the candidate's campaign or public
358 office;

359 6. The use of campaign funds to purchase office supplies, personal property, equipment, food, gifts,
360 or other incidentals that have an intended, reasonable, or foreseeable benefit to the candidate's
361 campaign or public office;

362 7. The dual use of office space, personal property, equipment, electronic subscription services, or
363 vehicles or the use of campaign or political materials, including clothing, pens, posters, flyers, toys, or
364 other memorabilia, by the candidate's campaign and public office; and

365 8. Consumption of food or beverages by the candidate or a member of the candidate's immediate
366 family that were purchased for a campaign or political event, whether consumed at the event or left
367 over from such an event.

C. A person who contributes to a candidate or a candidate's campaign committee or any person who is qualified to vote for a candidate may file a written complaint with the State Board alleging a violation of this section by such candidate. The complaint shall contain the objections to a specific use of campaign contributions by the candidate or public officeholder, accompanied by the reasons the complainant believes such use is a violation of this section. The complaint shall include a signed statement by the complainant that his complaint is based on a good faith belief that a violation of this section has occurred. The State Board shall not be authorized to act upon a complaint made by any other person but shall be authorized to initiate an inquiry upon its own motion.

D. Upon receipt of a credible, written complaint, or upon its own motion, the State Board shall review a specific use of campaign contributions by the candidate or public officeholder. If acting upon a complaint, the State Board shall notify the subject of the review and forward to him a copy of the complaint. If acting upon its own motion, the State Board shall notify the subject of the review and provide him with written notice of the objections to a specific use of campaign contributions by the candidate or public officeholder, accompanied by the reasons such use is believed to be a violation of this section. The subject of the review shall have 30 days to either (i) reimburse the campaign committee the complained-of amount or (ii) provide to the State Board documentation or other evidence that the use of the campaign funds had an intended, reasonable, or foreseeable benefit to the campaign or the candidate's public office. If the subject of the review provides such documentation or such other evidence, the State Board shall review, in a closed meeting held pursuant to § 2.2-3711, the response and determine whether the use of campaign funds had any intended, reasonable, or foreseeable benefit to the campaign or the candidate's public office. If the State Board finds that there were no intended, reasonable, or foreseeable benefits to such campaign or such public office and the complained-of amount has not been reimbursed, it shall call a public hearing. At least 10 days prior to such hearing, the State Board shall send notice by certified mail of the time and date of the hearing to the complaining party and to the subject of the review. If the complaining party declines to participate in the hearing, the complaint shall be dismissed. The subject of the review shall have the right to postpone the hearing if it is scheduled within the 30 days immediately preceding an election in which the candidate is running for office.

Prior to the public hearing by the State Board, the complaint, the State Board's written notice, and any related records shall not be subject to the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) and shall not be made public, except by the subject of the review.

E. At the public hearing, the State Board shall determine whether to find a willful and knowing violation of this section. Such a finding shall require a unanimous vote by the State Board. A person found by the State Board to have willfully and knowingly violated this section shall repay to the campaign committee the amount unlawfully converted to the personal use of the candidate or a member of the candidate's immediate family. The State Board may also assess an additional civil penalty, in an amount not to exceed \$1,000. The determination to assess such a civil penalty shall be made at the public hearing and shall require a unanimous vote by the State Board. Any civil penalties collected under this section shall be payable to the State Treasurer for deposit into the general fund. The procedure to enforce the civil penalties provided in this section shall be as stated in § 24.2-946.3.

F. A person found by the State Board to have violated the provisions of this section shall have a right to the direct review of the finding by a court of competent jurisdiction as provided in the Administrative Process Act (§ 2.2-4000 et seq.). The provisions of the Act shall not apply, however, to the finding of a violation by the State Board pursuant to this section.

G. The State Board shall be authorized to provide, upon request, to any person subject to the provisions of this section a formal advisory opinion regarding whether such person's use of contributions to the candidate or his campaign committee, or the use or conversion of items acquired using such contributions, would be a violation of this section. The State Board shall issue a formal advisory opinion within 30 days of receipt of the request for a formal advisory opinion. No person shall be subject to the penalties provided for in this section if his alleged violation resulted from his good faith reliance on a formal opinion of the State Board, and the opinion was made after his full disclosure of the facts regardless of whether such opinion is later withdrawn, provided that the alleged violation occurred prior to the withdrawal of the opinion.