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SENATE BILL NO. 107

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Privileges and Elections
on February 6, 2024)

(Patron Prior to Substitute—Senator Suetterlein)

A *BILL to amend and reenact § 24.2-954 of the Code of Virginia, relating to campaign finance; fundraising during special sessions prohibited.*

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-954 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-954. Campaign fundraising; legislative sessions; penalties.

A. No member of the General Assembly or statewide official and no campaign committee of a member of the General Assembly or statewide official shall solicit or accept a contribution for the campaign committee of any member of the General Assembly or statewide official, or for any political committee, from any person or political committee (i) on and after the first day of a regular session of the General Assembly through adjournment sine die of that session and (ii) any day that the General Assembly is scheduled to be in active special session; however, a member of the General Assembly or statewide official or the campaign committee of a member of the General Assembly or statewide official may solicit or accept a contribution for the campaign committee of any member of the General Assembly or statewide official, or for any political committee, from any person or political committee upon adjournment of both houses on any such day, provided that the General Assembly is not scheduled to be in active special session the following day.

B. No person or political committee shall make or promise to make a contribution to a member of the General Assembly or statewide official or his campaign committee (i) on and after the first day of a regular session of the General Assembly through adjournment sine die of that session and (ii) any day that the General Assembly is scheduled to be in active special session; however, a person or political committee may make or promise to make a contribution to a member of the General Assembly or statewide official or his campaign committee upon adjournment of both houses on any such day, provided that the General Assembly is not scheduled to be in active special session the following day.

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

D. As used in this section:

"Active special session" means any day that a roll call vote is taken in either house during any special session of the General Assembly that is not a session that is announced as a pro forma session by the presiding officer and in which no business is scheduled to be conducted.

"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 § 24.2-945.1 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. 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.