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HOUSE BILL NO. 2165**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee on Privileges and Elections
on January 27, 2025)

(Patrons Prior to Substitute—Delegates Cole and Convirs-Fowler [HB 1686])

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 sections numbered 24.2-948.6 through 24.2-948.9, relating to campaign finance; prohibited personal use of campaign funds; complaints, hearings, civil penalties, and advisory opinions.

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 sections numbered 24.2-948.6 through 24.2-948.9 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 that 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, (i) "foreign government"

60 means any government other than the United States government or the government of a state or a political
61 subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United
62 States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by
63 foreign governments or foreign persons or if a majority of the membership of any such entity is composed of
64 foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii)
65 "foreign person" means any individual who is not a citizen or national of the United States or a trust territory
66 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, and
69 The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private
70 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 filed
76 by the member, provided that 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 body in
80 open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the
81 governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both.
82 All discussions with the applicant or its representatives may be conducted in a closed meeting.

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

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

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

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

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

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

121 value of such investment.

122 21. Those portions of meetings in which individual child death cases are discussed by the State Child
123 Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual
124 child death cases are discussed by a regional or local child fatality review team established pursuant to §
125 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence
126 fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual
127 adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5,
128 those portions of meetings in which individual adult death cases are discussed by a local or regional adult
129 fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual
130 death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those
131 portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality
132 Review Team pursuant to § 32.1-283.8, and those portions of meetings in which individual death cases of
133 persons with developmental disabilities are discussed by the Developmental Disabilities Mortality Review
134 Committee established pursuant to § 37.2-314.1.

135 22. Those portions of meetings of the board of visitors of the University of Virginia or Old Dominion
136 University, as the case may be, and those portions of meetings of any persons to whom management
137 responsibilities for the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center
138 at Old Dominion University, as the case may be, have been delegated, in which there is discussed proprietary,
139 business-related information pertaining to the operations of the University of Virginia Medical Center or the
140 Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, including business
141 development or marketing strategies and activities with existing or future joint venturers, partners, or other
142 parties with whom the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center
143 at Old Dominion University, as the case may be, has formed, or forms, any arrangement for the delivery of
144 health care, if disclosure of such information would adversely affect the competitive position of the
145 University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion
146 University, as the case may be.

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

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

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

163 26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee
164 created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in §
165 56-484.12, related to the provision of wireless E-911 service.

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

172 28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6
173 by a responsible public entity or an affected locality or public entity, as those terms are defined in §
174 33.2-1800, or any independent review panel appointed to review information and advise the responsible
175 public entity concerning such records.

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

179 30. Discussion or consideration of grant or loan application information subject to the exclusion in
180 subdivision 17 of § 2.2-3705.6 by the Commonwealth Health Research Board.

181 31. Discussion or consideration by the Commitment Review Committee of information subject to the

182 exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent
183 predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

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

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

191 34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security
192 matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1 *and review by the State Board of Elections*
193 *of complaints related to the personal use of campaign funds pursuant to § 24.2-948.7.*

194 35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee
195 created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files.

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

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

204 38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting
205 pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by
206 any local retirement system, acting pursuant to § 51.1-803, by the Board of the Commonwealth Savers Plan
207 acting pursuant to § 23.1-706, or by the Commonwealth Savers Plan's Investment Advisory Committee
208 appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

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

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

213 41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by
214 executive order for the purpose of studying and making recommendations regarding preventing closure or
215 realignment of federal military and national security installations and facilities located in Virginia and
216 relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a
217 local governing body, during which there is discussion of information subject to the exclusion in subdivision
218 8 of § 2.2-3705.2.

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

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

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

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

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

238 47. Discussion or consideration of grant, loan, or investment application records subject to the exclusion
239 in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-2351 et seq.)
240 of Chapter 22.

241 48. Discussion or development of grant proposals by a regional council established pursuant to Article 26
242 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity

243 Board.

244 49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team
245 established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a
246 child by a child sexual abuse response team established pursuant to § 15.2-1627.5, (iii) individual cases
247 involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and
248 63.2-1605, or (iv) individual human trafficking cases by any human trafficking response team established
249 pursuant to § 15.2-1627.6.

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

254 51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development
255 Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information
256 received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114 and the
257 Department of Workforce Development and Advancement pursuant to subsection B of § 2.2-2040.

258 52. Discussion or consideration by the Commonwealth of Virginia Innovation Partnership Authority (the
259 Authority), an advisory committee of the Authority, or any other entity designated by the Authority, of
260 information subject to the exclusion in subdivision 35 of § 2.2-3705.7.

261 53. Deliberations of the Virginia Lottery Board conducted pursuant to § 58.1-4105 regarding the denial or
262 revocation of a license of a casino gaming operator, or the refusal to issue, suspension of, or revocation of
263 any license or permit related to casino gaming, and discussion, consideration, or review of matters related to
264 investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

265 54. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007 regarding
266 the denial of, revocation of, suspension of, or refusal to renew any license or permit related to sports betting
267 and any discussion, consideration, or review of matters related to investigations excluded from mandatory
268 disclosure under subdivision 1 of § 2.2-3705.3.

269 55. Meetings or portions of meetings of the Board of Criminal Justice Services or the Department of
270 Criminal Justice Services concerning the decertification of an identifiable law-enforcement or jail officer.

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

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

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

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

288 **§ 24.2-946. Summary of election laws; forms; instructions.**

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

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

295 C. The *State* Board shall provide, with the summary required by this section, instructions for persons
296 filing reports pursuant to this chapter to assist them in completing the reports. The instructions shall include
297 directions for the reporting of filing fees for any party nomination method. The instructions shall set out the
298 requirements for retaining records and materials for implementing the review provisions of § 24.2-948.5.

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

302 E. The *State* Board, *in consultation with the Office of the Attorney General*, shall ~~provide, with the~~
303 ~~summary required by this section, to each candidate, person, or committee on request or upon their first filing~~

304 with the State Board pursuant to this chapter, whichever occurs first, a copy of a written explanation prepared
 305 by the Attorney General of develop and publish guidance on the provisions of the Act that prohibit the
 306 personal use of campaign funds. The explanation Such guidance shall cover the provisions that prohibit the
 307 personal use of campaign funds and shall delineate the differences between prohibited personal uses of
 308 campaign funds and permitted uses of the funds and shall include examples of conduct that complies with and
 309 that violates such provisions. The State Board shall periodically update such guidance to incorporate
 310 advisory opinions and additional examples.

311 **§ 24.2-948.4. Final report requirement; disbursement of surplus funds.**

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

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

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

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

335 **§ 24.2-948.6. Use of campaign funds.**

336 A. A contribution accepted by a candidate or his campaign committee may be used for the following
 337 purposes:

- 338 1. For otherwise authorized expenditures in connection with the candidate's campaign;
- 339 2. For ordinary and necessary expenses incurred in connection with the duties of the individual as an
 340 officeholder;
- 341 3. For contributions to any organization described in § 170(c) of the Internal Revenue Code;
- 342 4. For transfers to any federal, state, or local political party committee;
- 343 5. For contributions to federal, state, and local candidates subject to the provisions of prevailing law;
- 344 6. For dependent care expenses that are incurred as a direct result of the person's seeking, holding, or
 345 maintaining public office; or
- 346 7. For any other lawful purpose unless prohibited by subsection B.

347 B. Contributions to a candidate or his campaign committee shall not be converted by any person to
 348 personal use. For the purpose of this subsection, a contribution shall be considered to be converted to
 349 personal use if the contribution is used to fulfill any commitment, obligation, or expense of a person that
 350 would exist irrespective of the person's seeking, holding, or maintaining public office, which includes the
 351 following:

- 352 1. A home mortgage, rent, or utility payment;
- 353 2. A clothing purchase, except for clothing of de minimis value that is used in the campaign, such as
 354 T-shirts or caps imprinted with a campaign slogan;
- 355 3. A non-campaign-related automobile expense;
- 356 4. A country club membership;
- 357 5. A vacation or other non-campaign-related trip;
- 358 6. A household food item;
- 359 7. A tuition payment, other than those associated with the training of campaign staff;
- 360 8. Admission to a sporting event, a concert, a theater, or any other form of entertainment not associated
 361 with an election campaign;
- 362 9. Dues, fees, and other payments to a health club or recreational facility unless the payments are made in
 363 connection with a specific fundraising event that takes place on the organization's premises; and
- 364 10. Salary payments to a member of a candidate's family, unless the family member is providing bona fide

365 services to the campaign and receives compensation that is no greater than the fair market value of the
366 services provided.

367 **§ 24.2-948.7. Violations of the ban on personal use of campaign funds; complaint; notice; hearing;**
368 **civil penalties.**

369 A. A person who believes a violation of § 24.2-948.6 has occurred and (i) contributes to a candidate or
370 his campaign committee that has allegedly committed the violation or (ii) is qualified to vote in the election
371 for the office for which such candidate is running is qualified to file a complaint with the Department. Such
372 complaint shall be filed electronically or in writing on a form provided by the Department, signed and sworn
373 to by the person filing such complaint, notarized, and made under penalty of perjury and subject to the
374 provisions of § 24.2-1016. The complaint shall clearly identify the complainant and the person against whom
375 the complaint is addressed (the respondent) and contain (a) a credible allegation of a violation of § 24.2-948.
376 6 with regard to a specific use of campaign contributions by the candidate or his campaign committee, (b)
377 attached documentation supporting the allegation, (c) the names and contact information of any person the
378 complainant knows to have knowledge of facts relating to the allegation, and (d) any other information
379 required by the Department.

380 The complaint form shall include a sworn statement, signed by the complainant, agreeing to strict
381 confidentiality regarding the complaint and all related matters for the 10 days preceding the complaint's
382 submission. If the State Board determines that the complainant knowingly violated his agreement to strict
383 confidentiality, the State Board may assess a civil penalty in an amount not to exceed \$10,000. Any civil
384 penalty collected under this provision shall be payable to the State Treasurer for deposit into the Prohibited
385 Personal Use Enforcement Fund established pursuant to § 24.2-948.9. The procedure to enforce a civil
386 penalty provided in this section shall be as stated in § 24.2-946.3.

387 The Department shall provide a copy of the complaint to the respondent within 24 hours of receipt. The
388 Department shall complete its review of such complaints and, within 10 days, transmit to the State Board any
389 credible and complete complaint from a qualified complainant and send written notice to the complainant
390 and respondent of the Department's ultimate determination of the complaint's disposition. The State Board
391 shall not act upon any complaint that does not meet the requirements of this subsection but shall be
392 authorized to initiate an inquiry upon its own motion.

393 B. Upon receipt of a complaint or upon its own motion, the State Board shall conduct a preliminary
394 investigation into the specific use of campaign contributions by the candidate. Such preliminary investigation
395 shall be conducted in closed meetings held pursuant to § 2.2-3711. The State Board shall determine, during
396 its preliminary investigation, whether the facts stated in the complaint or that serve as the basis of the State
397 Board's motion taken as true are sufficient to show a violation of § 24.2-948.6. If such facts fail to give rise to
398 such a violation, then the State Board shall dismiss the complaint. If the facts give rise to such a violation,
399 then the State Board shall request that the complainant appear and testify under oath as to the complaint and
400 the allegations therein. If the inquiry was initiated by the State Board's own motion, the State Board may
401 request that witnesses appear and testify under oath as to the allegations raised by the State Board.

402 The State Board shall notify the respondent that a preliminary investigation has commenced within 24
403 hours of initiating such investigation. Before the State Board conducts any vote on the complaint, other than
404 a vote to dismiss, the respondent shall have 30 days to provide to the State Board documentation or other
405 evidence that no action should be taken against the respondent on the basis of the complaint or the
406 allegations brought by the State Board. If the respondent provides such documentation or such other
407 evidence, the State Board shall review the response and determine whether to proceed with the inquiry.

408 After hearing testimony and reviewing any other evidence provided by the complainant, witnesses, or the
409 respondent, the State Board shall dismiss the complaint if the State Board fails to find by a preponderance of
410 the evidence that such violation has occurred. If the State Board finds otherwise, it shall proceed with the
411 inquiry by calling for a public hearing.

412 If at any point prior to the State Board's call for a public hearing on the matter the respondent pays back
413 to the campaign committee from his personal funds the amount that was allegedly converted to his personal
414 use, the State Board shall dismiss the complaint or motion and end the inquiry into the matter.

415 Prior to the State Board's holding a public hearing on the matter, the complaint, the State Board's written
416 notice, and any related records shall not be subject to the provisions of the Virginia Freedom of Information
417 Act (§ 2.2-3700 et seq.) and shall not be made public, except by the respondent. However, once the State
418 Board has commenced a public meeting to further inquire into alleged conversion of campaign funds to
419 personal use, its materials, meetings, and hearings on the matter shall be open to the public.

420 C. If after such preliminary investigation the State Board determines to proceed with an inquiry into the
421 specific use of campaign contributions by the respondent, the State Board (i) shall immediately notify in
422 writing the complainant and the respondent as to the fact of the inquiry and the allegations against the
423 respondent and (ii) shall schedule one or more hearings on the matter. The respondent shall have the right to
424 postpone the hearing if it is scheduled within the 30 days immediately preceding an election in which the
425 respondent is a candidate for office. If the complaining party declines to participate in the hearing, the

426 *complaint shall be dismissed and no further action shall be taken.*

427 *The respondent shall have the right to access all records obtained during the investigation, present*
428 *evidence, cross-examine witnesses, face and examine the accuser, and be represented by counsel at any*
429 *hearings. The State Board may grant the respondent any other rights or privileges not specifically*
430 *enumerated in this subsection.*

431 *If at any time the State Board determines that the complaint is without merit, the State Board shall dismiss*
432 *the complaint, so advise the complainant and the respondent, and take no further action.*

433 *D. A decision to dispose of a complaint under this section shall require a vote of four members of the*
434 *State Board. Failure of the State Board to dispose of a complaint within 120 days of the Department's*
435 *transmission of the signed and sworn complaint shall result in the summary dismissal of the matter, after*
436 *which no further action shall be taken.*

437 *Within 120 days of the Department's transmission of the signed and sworn complaint to the State Board*
438 *or a motion to begin an inquiry, the State Board may dispose of the matter in one of the following ways:*

439 *1. If for any reason the State Board dismisses the matter during its preliminary investigation and prior to*
440 *holding a public hearing on the matter, the State Board shall so advise the complainant and the respondent*
441 *and take no further action. In such case, the records and findings on the matter shall not be subject to the*
442 *provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) and shall not be made public*
443 *unless the respondent requests in writing that the records and findings be made public.*

444 *2. If at any time after the commencement of the initial public hearing on the matter the State Board*
445 *dismisses the matter, the State Board shall so advise the complainant and the respondent and prepare a*
446 *written judgment stating the grounds for the dismissal.*

447 *3. If after a public hearing the State Board determines by a preponderance of the evidence that the*
448 *respondent has violated the provisions of § 24.2-948.6 but that the violation was not made willfully and*
449 *knowingly, the State Board may require the respondent to repay an amount not to exceed the amount*
450 *unlawfully converted to the personal use of the respondent. Respondents who claim an inability to repay the*
451 *amount the State Board has determined is owed may be asked to provide documentation as to their financial*
452 *condition. The State Board may negotiate a payment plan that enables a respondent to repay. The procedure*
453 *to enforce repayment under this section shall be as stated in § 24.2-946.3. The State Board shall prepare a*
454 *written judgment stating its determination of the matter, its recommended remedy, and reasons therefor. A*
455 *copy of the judgment shall be sent to each party and posted on the State Board's website no later than three*
456 *days after it has been issued.*

457 *4. If the State Board determines by a preponderance of the evidence that the respondent willfully and*
458 *knowingly violated any provision of § 24.2-948.6, the State Board shall direct the respondent to repay the*
459 *amount unlawfully converted to his personal use. The State Board may also assess an additional civil*
460 *penalty, in an amount not to exceed \$1,000 per itemized expenditure found to be in violation of any provision*
461 *of § 24.2-948.6 and in no case greater than \$10,000. Respondents who claim an inability to pay an*
462 *appropriate civil penalty may be asked to provide documentation as to their financial condition. The State*
463 *Board may negotiate a payment plan that enables a respondent to pay an appropriate civil penalty. Any civil*
464 *penalty collected under this subdivision shall be payable to the State Treasurer for deposit into the*
465 *Prohibited Personal Use Enforcement Fund established pursuant to § 24.2-948.9. The procedure to enforce a*
466 *civil penalty provided in this section shall be as stated in § 24.2-946.3. The State Board shall prepare a*
467 *written judgment stating its determination of the matter, its recommended remedy, and reasons therefor. A*
468 *copy of the judgment shall be sent to each party and posted on the State Board's website no later than 3 days*
469 *after it has been issued.*

470 *5. Any records and findings related to a complaint that was not dismissed pursuant to subdivision 1 shall*
471 *become archival records, as defined in § 42.1-77, maintained permanently by the Library of Virginia.*
472 *Electronic copies of such records shall be made publicly available on the State Board's website no later than*
473 *thirty days after a final disposition of the matter has been decided.*

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

478 *F. The State Board may, by a vote of four members, make a finding that a complaint is frivolous. Such a*
479 *finding shall be prima facie evidence of abuse of process by the complainant. The State Board shall prepare a*
480 *written judgment stating its determination of the matter and reasons therefor. A copy of the judgment shall be*
481 *sent to each party and posted on the State Board's website no later than three days after it has been issued.*

482 **§ 24.2-948.8. Advisory opinions.**

483 *A. Any person subject to the provisions of § 24.2-948.6 may submit a complete written request for an*
484 *advisory opinion concerning the application of that section to a specific transaction or activity on a form*
485 *provided by the Department. The Department shall transmit any such complete written request for an*
486 *advisory opinion to the State Board.*

487 *B. The State Board shall, upon receipt, make public any request for an advisory opinion. Before rendering*

488 *an advisory opinion, the State Board shall accept written comments submitted by any interested party within*
489 *the 10-day period following the date the request is made public.*

490 *C. The State Board shall issue a written advisory opinion within 60 days of receipt of the request for an*
491 *advisory opinion. However, if an advisory opinion is requested by a candidate or his campaign committee*
492 *during the 60-day period before any election involving the requesting party, the State Board shall render a*
493 *written advisory opinion relating to such request no later than 20 days after the State Board receives a*
494 *complete written request.*

495 *D. Any advisory opinion rendered by the State Board under subsection C may be relied upon by (i) any*
496 *person involved in the specific transaction or activity with respect to which such advisory opinion is rendered*
497 *and (ii) any person involved in any specific transaction or activity that is indistinguishable in all its material*
498 *aspects from the transaction or activity with respect to which such advisory opinion is rendered.*

499 *E. Notwithstanding any other provision of law, any person who relies upon any provision or finding of an*
500 *advisory opinion in accordance with the provisions of subsection D and who acts in good faith in accordance*
501 *with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to*
502 *any sanction provided under § 24.2-948.7.*

503 **§ 24.2-948.9. Prohibited Personal Use Enforcement Fund.**

504 *There is hereby created in the state treasury a special nonreverting fund to be known as the Prohibited*
505 *Personal Use Enforcement Fund, referred to in this section as "the Fund." The Fund shall be established on*
506 *the books of the Comptroller. All civil penalties levied pursuant to § 24.2-948.7 shall be paid into the state*
507 *treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be*
508 *credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year*
509 *shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for*
510 *the purposes of administering the provisions of §§ 24.2-948.6, 24.2-948.7, and 24.2-948.8. Expenditures and*
511 *disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller*
512 *upon written request signed by the Commissioner of Elections.*

513 **2. That the provisions of the first enactment of this act shall become effective on July 1, 2026.**

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

516 **4. That the regulations adopted pursuant to the second enactment of this act shall include regulations**
517 **substantially similar to the regulations of the Federal Election Commission (the FEC) under 11 C.F.R.**
518 **Part 112 with respect to advisory opinions and 11 C.F.R. Part 113 with respect to the prohibition on**
519 **personal use of campaign funds. The regulations adopted pursuant to the second enactment of this act**
520 **shall also provide that the State Board and the parties may rely on past closed matters under review**
521 **and advisory opinions of the FEC on matters related to the prohibited personal use of campaign funds**
522 **under federal law as persuasive authority for any future decisions of the State Board of Elections with**
523 **respect to analogous state law, except with respect to the FEC's interpretation that personal use**
524 **restrictions apply only to a candidate committee.**

525 **5. That the State Board of Elections shall publish an updated summary of the provisions of the**
526 **Campaign Finance Disclosure Act of 2006 (§ 24.2-945 et seq. of the Code of Virginia, as amended by**
527 **this act) required by subsection E of § 24.2-946 of the Code of Virginia, as amended by this act, and**
528 **any regulations of the State Board of Elections promulgated pursuant to the second enactment of this**
529 **act within 30 days of the promulgation of such regulations.**

530 **6. That the provisions of this act may result in a net increase in periods of imprisonment or**
531 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**
532 **appropriation cannot be determined for periods of imprisonment in state adult correctional facilities;**
533 **therefore, Chapter 2 of the Acts of Assembly of 2024, Special Session I, requires the Virginia Criminal**
534 **Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the**
535 **Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for**
536 **periods of commitment to the custody of the Department of Juvenile Justice.**

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