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SENATE BILL NO. 945
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Privileges and Elections
on February 14, 2025)
(Patron Prior to Substitute—Senator DeSteph)

A BILL to amend the Code of Virginia by adding in Article 8 of Chapter 9.3 of Title 24.2 a section numbered 24.2-953.6, relating to campaign finance; appeal of penalties.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 8 of Chapter 9.3 of Title 24.2 a section numbered 24.2-953.6 as follows:

§ 24.2-953.6. Appeal of penalties.

A. Any person or committee shall have the right to appeal a civil penalty assessed to it pursuant to this chapter by filing a petition of appeal with the State Board, on a form prescribed by the State Board, within the 60 days following its actual receipt of written notice of such penalty. The petition shall state the grounds upon which the appeal is being made in addition to any additional information required by the State Board.

B. The appeal shall be adjudicated by the State Board in a public hearing. The State Board shall develop procedures for the conduct of such hearing. At least 10 days prior to such hearing, the State Board shall send notice by certified mail to any person whose petitions of appeal will be reviewed at such hearing. Notice shall include the time, date, and place of the hearing.

Consideration on appeal shall be limited to whether the petition and any supporting documents submitted by the petitioner establish (i) facts of circumstances present within a reasonable amount of time of the filing deadline that made filing or requesting an extension impracticable or (ii) an administrative error in the assessment of the penalty.

C. The State Board shall be authorized to provide relief for good cause shown by the petitioner and found by the Board sufficient to justify the relief requested. Such relief may include forgiveness of all or a portion of an assessed civil penalty, the retroactive extension of a deadline, or other appropriate remedy. Such relief shall not include an exemption from filing a report that is otherwise required to be filed pursuant to this chapter.

D. For each appeal that it hears, the State Board shall issue a written opinion, which shall include the facts put before the State Board, the State Board's decision, and the State Board's rationale for reaching such decision. The State Board's opinion shall be published on the Department of Elections website and a copy of the opinion shall be mailed to the petitioner as notice of the State Board's decision not later than 21 days after the conclusion of the appeal hearing. The decision on appeal shall be final and not subject to further appeal.

E. The time for notifying an attorney for the Commonwealth of a violation of this chapter pursuant to subsection F of § 24.2-946.3 shall be tolled from the time the State Board receives a petition of appeal until notification to the petitioner by the State Board of its decision on such petition.