

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding in Article 8 of Chapter 9.3 of Title 24.2 a section numbered*
3 *24.2-953.6, relating to campaign finance; appeal of penalties.*

4 [S 945]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**
7 **1. That the Code of Virginia is amended by adding in Article 8 of Chapter 9.3 of Title 24.2 a section**
8 **numbered 24.2-953.6 as follows:**

9 **§ 24.2-953.6. Appeal of penalties.**

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

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

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

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

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

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

ENROLLED

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