

1 PROPOSED LEGISLATIVE CHANGES

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3 Proposed Legislative Change A: Amending Va. Code § 2.2-3115(A).

4 **§ 2.2-3115. Disclosure by local government officers and employees.**

5  
6 A. In accordance with the requirements set forth in § 2.2-3118.2, the members of every  
7 governing body and school board of each county and city and of towns with populations in  
8 excess of 3,500 shall file, as a condition to assuming office or employment, a disclosure  
9 statement of their personal interests and other information as is required on the form prescribed  
10 by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or  
11 before February 1.

12  
13 In accordance with the requirements set forth in § 2.2-3118.2, the members of the governing  
14 body of any ~~authority~~ **governmental agency** established in any county or city, or part or  
15 combination thereof, and having the power to issue bonds or expend funds in excess of ~~\$10,000~~  
16 **\$50,000** in any fiscal year, shall file, as a condition to assuming office, a disclosure statement of  
17 their personal interests and other information as is required on the form prescribed by the  
18 Council pursuant to § 2.2-3118 and thereafter shall file such a statement annually on or before  
19 February 1, unless the governing body of the jurisdiction that appoints the members requires that  
20 the members file the form set forth in § 2.2-3117.

21  
22 In accordance with the requirements set forth in § 2.2-3118.2, persons occupying such positions  
23 of trust appointed by governing bodies and persons occupying such positions of employment  
24 with governing bodies as may be designated to file by ordinance of the governing body shall file,  
25 as a condition to assuming office or employment, a disclosure statement of their personal  
26 interests and other information as is required on the form prescribed by the Council pursuant to  
27 § 2.2-3117 and thereafter shall file such a statement annually on or before February 1.

28  
29 In accordance with the requirements set forth in § 2.2-3118.2, persons occupying such positions  
30 of trust appointed by school boards and persons occupying such positions of employment with  
31 school boards as may be designated to file by an adopted policy of the school board shall file, as  
32 a condition to assuming office or employment, a disclosure statement of their personal interests  
33 and other information as is required on the form prescribed by the Council pursuant to § 2.2-  
34 3117 and thereafter shall file such a statement annually on or before February 1.

35  
36 B. In accordance with the requirements set forth in § 2.2-3118.2, nonsalaried citizen members of  
37 local boards, commissions and councils as may be designated by the governing body shall file, as  
38 a condition to assuming office, a disclosure form of their personal interests and such other  
39 information as is required on the form prescribed by the Council pursuant to § 2.2-3118 and  
40 thereafter shall file such form annually on or before February 1.

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42 C. No person shall be mandated to file any disclosure not otherwise required by this article.

43 Proposed Legislative Change B: Releasing drafts of Formal Advisory Opinions prior to formal  
44 approval.

45 **§ 30-356. Powers and duties of the Council.**  
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47 The Council shall:

48 6. Furnish, upon request, formal advisory opinions or guidelines and other appropriate  
49 information, including informal advice, regarding ethics, conflicts issues arising under Article 3  
50 or the Acts, or a person's duties under Article 3 or the Acts to any person covered by Article 3 or  
51 the Acts or to any agency of state or local government, in an expeditious manner. The Council  
52 may authorize a designee to furnish formal opinions or informal advice. Formal advisory  
53 opinions are public record and shall be published on the Council's website; ~~however, no formal~~  
54 ~~advisory opinion furnished by a designee of the Council shall be available to the public or~~  
55 ~~published until such opinion has been approved by the Council.~~ ***Proposed formal advisory***  
56 ***opinions may be released for public comment by the Council's designee prior to their approval***  
57 ***by the Council; however, the immunity provisions of § 2.2-3121 or 30-124 shall not apply until***  
58 ***the formal advisory opinions have been approved by the Council.*** Published ***and proposed***  
59 formal advisory opinions may have such deletions and changes as may be necessary to protect  
60 the identity of the person involved or other persons supplying information. Informal advice given  
61 by the Council or the Council's designee is confidential and is excluded from the mandatory  
62 disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.); however,  
63 if the recipient invokes the immunity provisions of § 2.2-3121 or 30-124, the record of the  
64 request and the informal advice given shall be deemed to be a public record and shall be released  
65 upon request. Other records relating to formal advisory opinions or informal advice, including  
66 records of requests, notes, correspondence, and draft versions of such opinions or advice, shall  
67 also be confidential and excluded from the mandatory disclosure provisions of the Virginia  
68 Freedom of Information Act;

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79 Proposed Legislative Change C: Deadline extension requests by candidates for office

80 **§ 30-356.2. Right to grant extensions in special circumstances; civil**  
81 **penalty.**

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83 A. Notwithstanding any other provision of law, any person required to file the disclosure form  
84 prescribed in Article 3 or the Acts, shall be entitled to an extension where good cause for  
85 granting such an extension has been shown, as determined by the Council. Good cause shall  
86 include:

87 1. The death of a relative of the filer, as relative is defined in the definition of "gift" in Article 3  
88 or the Acts.

89 2. A state of emergency is declared by the Governor pursuant to Chapter 3.2 (§ 44-146.13 et  
90 seq.) of Title 44 or declared by the President of the United States or the governor of another state  
91 pursuant to law and confirmed by the Governor by an executive order, and such an emergency  
92 interferes with the timely filing of disclosure forms. The extension shall be granted only for those  
93 filers in areas affected by such emergency.

94 3. The filer is a member of a uniformed service of the United States and is on active duty on the  
95 date of the filing deadline.

96 4. A failure of the electronic filing system and the failure of such system prevents the timely  
97 filing of disclosure forms.

98 B. For any person who is unable to timely file the disclosure form prescribed in the Acts due to  
99 the disclosure form not being made available to him until after the deadline has passed, the  
100 Council shall grant such person a five-day extension upon request. The head of the agency for  
101 which the person works or the clerk of the school board or governing body of the locality that  
102 was responsible for providing the disclosure form to such person shall be assessed a civil penalty  
103 in the amount equal to \$250, to be collected in accordance with the procedure set forth in  
104 subsection B of § 2.2-3124. If the disclosure form is provided to the person within three days  
105 prior to the filing deadline, the Council shall grant such person a three-day extension upon  
106 request and no civil penalties shall be assessed against the head of such person's agency or the  
107 clerk.

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109 ***C. The provisions of this section shall not apply to any disclosures that are required to be filed***  
110 ***pursuant to § 24.2-502.***

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121 Proposed Legislative Change D: Filing requirements for the Virginia College Savings Plan  
122 Board

123 **§ 2.2-3114. Disclosure by state officers and employees.**

124  
125 A. In accordance with the requirements set forth in § 2.2-3118.2, the Governor, Lieutenant  
126 Governor, Attorney General, Justices of the Supreme Court, judges of the Court of Appeals,  
127 judges of any circuit court, judges and substitute judges of any district court, members of the  
128 State Corporation Commission, members of the Virginia Workers' Compensation Commission,  
129 members of the Commonwealth Transportation Board, members of the Board of Trustees of the  
130 Virginia Retirement System, members of the Virginia Alcoholic Beverage Control Board, ~~and~~  
131 members of the Virginia Lottery Board, **and members of the Virginia College Savings Plan**  
132 **Board and its Investment Advisory Committee**, and other persons occupying such offices or  
133 positions of trust or employment in state government, including members of the governing  
134 bodies of authorities, as may be designated by the Governor, or officers or employees of the  
135 legislative branch, as may be designated by the Joint Rules Committee of the General Assembly,  
136 shall file with the Council, as a condition to assuming office or employment, a disclosure  
137 statement of their personal interests and such other information as is required on the form  
138 prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement  
139 annually on or before February 1.

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141 B. In accordance with the requirements set forth in § 2.2-3118.2, nonsalaried citizen members of  
142 all policy and supervisory boards, commissions and councils in the executive branch of state  
143 government, other than the Commonwealth Transportation Board, members of the Board of  
144 Trustees of the Virginia Retirement System, ~~and~~ the Virginia Lottery Board, **and members of the**  
145 **Virginia College Savings Plan Board and its Investment Advisory Committee**, shall file with  
146 the Council, as a condition to assuming office, a disclosure form of their personal interests and  
147 such other information as is required on the form prescribed by the Council pursuant to § 2.2-  
148 3118 and thereafter shall file such form annually on or before February 1. Nonsalaried citizen  
149 members of other boards, commissions and councils, including advisory boards and authorities,  
150 may be required to file a disclosure form if so designated by the Governor, in which case the  
151 form shall be that prescribed by the Council pursuant to § 2.2-3118.

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161 **§ 2.2-3118.1. Special provisions for individuals serving in or seeking**  
162 **multiple positions or offices; reappointees.**

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164 A. The filing of a single current statement of economic interests by an individual required to file  
165 the form prescribed in § 2.2-3117 shall suffice for the purposes of this chapter as filing for all  
166 positions or offices held or sought by such individual during ~~a single reporting period.~~ ***the course***  
167 ***of a calendar year.*** The filing of a single current financial disclosure statement by an individual  
168 required to file the form prescribed in § 2.2-3118 shall suffice for the purposes of this chapter as  
169 filing for all positions or offices held or sought by such individual and requiring the filing of the  
170 § 2.2-3118 form during ~~a single reporting period.~~ ***the course of a calendar year.***

171  
172 **OR**

173  
174 A. The filing of a single current statement of economic interests by an individual required to file  
175 the form prescribed in § 2.2-3117 shall suffice for the purposes of this chapter as filing for all  
176 positions or offices held or sought by such individual during a single reporting period. The filing  
177 of a single current financial disclosure statement by an individual required to file the form  
178 prescribed in § 2.2-3118 shall suffice for the purposes of this chapter as filing for all positions or  
179 offices held or sought by such individual and requiring the filing of the § 2.2-3118 form during a  
180 single reporting period. ***However, the filing of a form prescribed in § 2.2-3117 or 2.2-3118***  
181 ***shall not suffice if such individual later holds or seeks a position or office that also requires***  
182 ***the filing of a form prescribed in § 2.2-3117 or 2.2-3118, unless the reporting period as***  
183 ***defined by § 2.2-3118.2 for the later position or office is identical to the reporting period for***  
184 ***the individual's earlier filing.***

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186 B. Any individual who has met the requirement for ~~periodically~~ ***annually*** filing a statement  
187 provided in § 2.2-3117 or 2.2-3118 shall not be required to file an additional statement upon such  
188 individual's reappointment to the same office or position for which he is required to file,  
189 provided such reappointment occurs within ~~six~~ ***twelve*** months after ~~filing a statement pursuant to~~  
190 ~~§ 2.2-3117 and within 12 months after filing a statement pursuant to § 2.2-3118.~~ ***the annual***  
191 ***filing.***

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