

Proposals 1 and 2

Language to clarify Va. Code § 30-356(3); only people who file directly with the Council are required to file their disclosure forms electronically. And, only the disclosure forms that are filed with the Council will be on the searchable electronic database.

§ 30-356. Powers and duties of the Council.

The Council shall:

1. Prescribe the forms required...
2. Review all disclosure forms filed...
3. Require all disclosure forms *that are required to be filed with the Council* to be filed electronically in accordance with the standards approved by the Council. The Council shall provide software or electronic access for filing the required disclosure forms ~~to all filers~~ without charge *to all individuals required to file with the Council*. The Council shall prescribe the method of execution and certification of electronically filed forms, including the use of an electronic signature as authorized by the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). The Council may grant extensions as provided in § 30-356.2 and may authorize a designee to grant such extensions;
4. Accept and review any statement...
5. Beginning July 1, 2016, establish and maintain a searchable electronic database comprising *those* disclosure forms *that are* filed *with the Council* pursuant to §§ 2.2-426, 2.2-3117, 2.2-3118, and 30-111. Such database shall be available to the public through the Council's official website;
6. Furnish, upon request, formal advisory opinions or guidelines and other appropriate information, including informal advice...

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Proposal 3

Language to modify Va. Code §§ 30-110(A), 2.2-3114(C), and 2.2-3115 (D) and (G) so that public disclosure forms are to be made available to the public 6 weeks after the end of the filing deadline, rather than 6 weeks after filing.

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

A. The Governor, Lieutenant Governor, Attorney General...

B. Nonsalaried citizen members of all policy and supervisory boards...

C. The disclosure forms required by subsections A and B shall be made available by the Council at least 30 days prior to the filing deadline. Disclosure forms shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356. All forms shall be maintained as public records for five years in the office of the Council. Such forms shall be made public no later than six weeks after ~~filing~~ ***the filing deadline***.

D. Candidates for the offices of Governor, Lieutenant Governor or Attorney General...

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

A. The members of every governing body and school board of each county and city...

B. Nonsalaried citizen members of local boards, commissions and councils as may be...

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

D. The disclosure forms required by subsections A and B shall be made available by the Virginia Conflict of Interest and Ethics Advisory Council at least 30 days prior to the filing deadline, and the clerks of the governing body and school board shall distribute the forms to designated individuals at least 20 days prior to the filing deadline. Forms shall be filed and maintained as public records for five years in the office of the clerk of the respective governing body or school board. Forms filed by members of governing bodies of authorities shall be filed and maintained as public records for five years in the office of the clerk of the governing body of the county or city. Such forms shall be made public no later than six weeks after ~~filing~~ ***the filing deadline***.

E. Candidates for membership in the governing body or school board of any county...

F. Any officer or employee of local government who has a personal interest...

G. In addition to any disclosure required by subsections A and B, in each county and city and in towns with populations in excess of 3,500, members of planning commissions, boards of zoning appeals, real estate assessors, and all county, city and town managers or executive officers shall

1 make annual disclosures of all their interests in real estate located in the county, city or town in
2 which they are elected, appointed, or employed. Such disclosure shall include any business in
3 which such persons own an interest, or from which income is received, if the primary purpose of
4 the business is to own, develop or derive compensation through the sale, exchange or
5 development of real estate in the county, city or town. Such disclosure shall be filed as a
6 condition to assuming office or employment, and thereafter shall be filed annually with the clerk
7 of the governing body of such county, city, or town on or before January 15. Such disclosures
8 shall be filed and maintained as public records for five years. Such forms shall be made public no
9 later than six weeks after ~~filing~~ ***the filing deadline***. Forms for the filing of such reports shall be
10 made available by the Virginia Conflict of Interest and Ethics Advisory Council to the clerk of
11 each governing body.

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13 H. An officer or employee of local government...

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15 **§ 30-110. Disclosure.**

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17 A. Every legislator and legislator-elect shall file, as a condition to assuming office, a disclosure
18 statement of his personal interests and such other information as is required on the form
19 prescribed by the Council pursuant to §30-111 and thereafter shall file such a statement annually
20 on or before January 15. When the filing deadline falls on a Saturday, Sunday, or legal holiday,
21 the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or legal
22 holiday. Disclosure forms shall be made available by the Virginia Conflict of Interest and Ethics
23 Advisory Council at least 30 days prior to the filing deadline. Disclosure forms shall be filed
24 electronically with the Virginia Conflict of Interest and Ethics Advisory Council in accordance
25 with the standards approved by it pursuant to § 30-356. The disclosure forms of the members of
26 the General Assembly shall be maintained as public records for five years in the office of the
27 Virginia Conflict of Interest and Ethics Advisory Council. Such forms shall be made public no
28 later than six weeks after filing. Such forms shall be made public no later than six weeks after
29 ~~filing~~ ***the filing deadline***.

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31 B. Candidates for the General Assembly...

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33 C. Any legislator who has a personal interest...

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Proposals 4 and 5

Delete Va. Code § 2.2-423(8) so that a lobbyist is no longer responsible for reporting, on his registration statement, all other lobbyists representing that lobbyist's principal. And, eliminate from the registration statement "a statement by which a principal may elect to waive the principal signature required on disclosure filings;" this waiver should be separate from the initial registration statement, which the principal does not usually see or sign before filing.

§ 2.2-423. Contents of registration statement.

A. The registration statement shall be on a form provided by the Secretary of the Commonwealth and include the following information:

1. The name and business address and telephone number of the lobbyist;
2. The name and business address and telephone number of the person who will keep custody of the lobbyist's and the lobbyist's principal's accounts and records required to comply with this article, and the location and telephone number for the place where the accounts and records are kept;
3. The name and business address and telephone number of the lobbyist's principal;
4. The kind of business of the lobbyist's principal;
5. For each principal, the full name of the individual to whom the lobbyist reports;
6. For each principal, a statement whether the lobbyist is employed or retained and whether exclusively for the purpose of lobbying;
7. The position held by the lobbyist if he is a part-time or full-time employee of the principal;
- ~~8. The full name and business address and telephone number of each lobbyist employed by or representing the lobbyist's principal;~~
9. An identification of the subject matter (with as much specificity as possible) with regard to which the lobbyist or lobbyist's principal will engage in lobbying; *and*,
10. The statement of the lobbyist, which shall be signed either originally or by electronic signature as authorized by the Uniform Electronic Transactions Act (§ 59.1-479 et seq.), that the information contained on the registration statement is true and correct; ~~and~~;
- ~~11. A statement by which a principal may elect to waive the principal signature requirement on disclosure filings submitted by its registered lobbyist after the filing of the registration statement.~~
The lobbyist and the lobbyist's principal shall be notified at the time of the registration that the

1 *principal may elect to waive the principal signature requirement on disclosure filings*
2 *submitted by its registered lobbyist after the filing of the registration statement. The waiver*
3 *shall be on a form prescribed by the Council and may be filed electronically with the Council*
4 *in accordance with the standards approved by it pursuant to § 30-356.*

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6 B. Whenever any change, modification or addition to his status as a lobbyist is made, the
7 lobbyist shall, within one week of such change, modification or addition, furnish full information
8 regarding the same to the Secretary of the Commonwealth on forms provided by the Secretary.

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10 C. The Secretary of the Commonwealth shall furnish a copy of this article to any individual
11 offering to register as a lobbyist and shall mail by certified mail a copy of this article and a copy
12 of the information furnished by the lobbyist to the person whom the lobbyist represents to be his
13 principal.

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15 D. If the principal to whom the information is sent under subsection C does not, within 10 days
16 of such mailing, file an affidavit, signed by the person or duly authorized agent of the person,
17 denying that the lobbyist appears on his behalf, such person shall be deemed to have appointed
18 the Secretary of the Commonwealth his agent for service of process in any prosecution arising
19 for violation of this article. If such affidavit is filed, the Secretary shall notify the attorney for the
20 Commonwealth of the City of Richmond.

21 22 **§ 30-356. Powers and duties of the Council.**

23
24 The Council shall:

25
26 1. Prescribe the forms required for complying with the disclosure requirements of Article 3 and
27 the Acts. These forms shall be the only forms used to comply with the provisions of Article 3 or
28 the Acts. The Council shall make available the disclosure forms and shall provide guidance and
29 other instructions to assist in the completion of the forms;

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31 2. Review all disclosure forms filed by lobbyists pursuant to Article 3 and by state government
32 officers and employees and legislators pursuant to the Acts. The Council may review disclosure
33 forms for completeness, including reviewing the information contained on the face of the form to
34 determine if the disclosure form has been fully completed and comparing the disclosures
35 contained in any disclosure form filed by a lobbyist pursuant to § 2.2-426 with other disclosure
36 forms filed with the Council, and requesting any amendments to ensure the completeness of and
37 correction of errors in the forms, if necessary. If a disclosure form is found to have not been filed
38 or to have been incomplete as filed, the Council shall notify the filer in writing and direct the
39 filer to file a completed disclosure form within a prescribed period of time, and such notification
40 shall be confidential and is excluded from the provisions of the Virginia Freedom of Information
41 Act (§ 2.2-3700 et seq.);

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43 3. Require all disclosure forms *and lobbyist registration statements* to be filed electronically in
44 accordance with the standards approved by the Council. The Council shall provide software or
45 electronic access for filing the required disclosure forms and *registration statements* to all filers
46 without charge. The Council shall prescribe the method of execution and certification of

1 electronically filed forms, including the use of an electronic signature as authorized by the
2 Uniform Electronic Transactions Act (§ 59.1-479 et seq.). The Council may grant extensions as
3 provided in § 30-356.2 and may authorize a designee to grant such extensions;
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5 4. Accept and review...

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7 5. Beginning July 1, 2016, establish...
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Proposals 6 and 7

Language to change the \$10,000 limit in Va. Code §§2.2-3110(A)(3) and (4) and 30-106(A)(3) to \$5,000. When the amount needed to trigger a potential “personal interest” under Virginia law was changed from \$10,000 to \$5,000 in 2014, that amount was changed in all Code sections except for these two. And, the exception in Va. Code § 2.2-3110(A)(3) for cities and towns that have a population of less than 10,000 should be extended to counties that have a population of less than 10,000.

§ 2.2-3110. Further exceptions.

A. The provisions of Article 3 (§ 2.2-3106 et seq.) shall not apply to:

- 1. The sale, lease or exchange of real property between an officer...
- 2. The publication of official notices;
- 3. Contracts between the government or school board of a town, ~~or city~~, **or county** with a population of less than 10,000 and an officer or employee of that town, ~~or city~~, **or county** government or school board when the total of such contracts between the ~~town, or city~~ government or school board and the officer or employee of that ~~town or city~~ government or school board or a business controlled by him does not exceed ~~\$10,000~~ **\$5,000** per year or such amount exceeds ~~\$10,000~~ **\$5,000** and is less than \$25,000 but results from contracts arising from awards made on a sealed bid basis, and such officer or employee has made disclosure as provided for in § 2.2-3115;
- 4. An officer or employee whose sole personal interest in a contract with the governmental agency is by reason of income from the contracting firm or governmental agency in excess of ~~\$10,000~~ **\$5,000** per year, provided the officer or employee or a member of his immediate family does not participate and has no authority to participate in the procurement or letting of such contract on behalf of his governmental agency or he disqualifies himself as a matter of public record and does not participate on behalf of his governmental agency in negotiating the contract or in approving the contract;
- 5. When the governmental agency is a public institution of higher education...

§ 30-106. Further exceptions.

A. The provisions of § 30-105 shall not apply to:

- 1. The sale, lease or exchange of real property between a legislator and...
- 2. The publication of official notices;
- 3. A legislator whose sole personal interest in a contract with an agency of the legislative branch is by reason of income from the contracting firm or General Assembly in excess of \$10,000

1 \$5,000 per year, provided the legislator or member of his immediate family does not participate
2 and has no authority to participate in the procurement or letting of the contract on behalf of the
3 contracting firm and the legislator either does not have authority to participate in the
4 procurement or letting of the contract on behalf of the agency or he disqualifies himself as a
5 matter of public record and does not participate on behalf of the agency in negotiating the
6 contract or in approving the contract;

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8 4. Contracts between a legislator's governmental agency and a public service corporation,
9 financial institution, or company furnishing public utilities in which the legislator has a personal
10 interest, provided he disqualifies himself as a matter of public record and does not participate on
11 behalf of the agency in negotiating the contract or in approving the contract;

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13 5. Contracts for the purchase of goods or services when the contract does not exceed \$500; or...

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1 Proposal 8

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3 **Language to amend Va. Code § 2.2-3115(D) and (G) so that the disclosure forms that are**
4 **made public by localities can also have personal information, namely residential address,**
5 **phone number, and signature redacted. Under current law, Va. Code § 30-356(12), the**
6 **forms that are made public by the Council have this information redacted. This request is**
7 **in response to an informal opinion issued by the Virginia Attorney General’s Office.**
8

9 **§ 2.2-3115. Disclosure by local government officers and employees.**

10
11 A. The members of every governing body and school board of each county...

12
13 B. Nonsalaried citizen members of local boards, commissions and councils as may be
14 designated...

15
16 C. No person shall be mandated to file any disclosure not otherwise required by this article.

17
18 D. The disclosure forms required by subsections A and B shall be made available by the Virginia
19 Conflict of Interest and Ethics Advisory Council at least 30 days prior to the filing deadline, and
20 the clerks of the governing body and school board shall distribute the forms to designated
21 individuals at least 20 days prior to the filing deadline. Forms shall be filed and maintained as
22 public records for five years in the office of the clerk of the respective governing body or school
23 board. Forms filed by members of governing bodies of authorities shall be filed and maintained
24 as public records for five years in the office of the clerk of the governing body of the county or
25 city. Such forms shall be made public no later than six weeks after filing.

26
27 E. Candidates for membership in the governing body or school board of any...

28
29 F. Any officer or employee of local government who has a personal interest in any transaction...

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31 G. In addition to any disclosure required by subsections A and B, in each county and city and in
32 towns with populations in excess of 3,500, members of planning commissions, boards of zoning
33 appeals, real estate assessors, and all county, city and town managers or executive officers shall
34 make annual disclosures of all their interests in real estate located in the county, city or town in
35 which they are elected, appointed, or employed. Such disclosure shall include any business in
36 which such persons own an interest, or from which income is received, if the primary purpose of
37 the business is to own, develop or derive compensation through the sale, exchange or
38 development of real estate in the county, city or town. Such disclosure shall be filed as a
39 condition to assuming office or employment, and thereafter shall be filed annually with the clerk
40 of the governing body of such county, city, or town on or before January 15. Such disclosures
41 shall be filed and maintained as public records for five years. Such forms shall be made public no
42 later than six weeks after filing. Forms for the filing of such reports shall be made available by
43 the Virginia Conflict of Interest and Ethics Advisory Council to the clerk of each governing
44 body.

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46 H. An officer or employee of local government...

1 I. An officer or employee of local government...

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3 ***J. The clerk of the governing body or school board that releases any form to the public***
4 ***pursuant to this section shall redact from the form any residential address, personal telephone***
5 ***number, or signature contained on that form.***

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1 Proposal 9

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3 **The definition of gifts under Va. Code §§ 30-101 and 2.2-3101 currently excludes gifts “(v)**
4 **[that are] related to the private profession or occupation of [the filer]. This should also**
5 **include “or volunteer service,” as people will sometimes receive rewards or honoraria**
6 **related to charitable work they do that is not related to their occupation.**

7
8 **§ 2.2-3101. Definitions.**

9
10 As used in this chapter, unless the context requires a different meaning:...

11
12 “Gift” means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other
13 item having monetary value. It includes services as well as gifts of transportation, local travel,
14 lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or
15 reimbursement after the expense has been incurred. "Gift" does not include (i) any offer of a
16 ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used;
17 (ii) honorary degrees; (iii) any athletic, merit, or need-based scholarship or any other financial
18 aid awarded by a public or private school, institution of higher education, or other educational
19 program pursuant to such school, institution, or program's financial aid standards and procedures
20 applicable to the general public; (iv) a campaign contribution properly received and reported
21 pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private
22 profession or occupation *or volunteer service* of an officer or employee or of a member of his
23 immediate family; (vi) food or beverages consumed while attending an event at which the filer is
24 performing official duties related to his public service; (vii) food and beverages received at or
25 registration or attendance fees waived for any event at which the filer is a featured speaker,
26 presenter, or lecturer; (viii) unsolicited awards of appreciation or recognition in the form of a
27 plaque, trophy, wall memento, or similar item that is given in recognition of public, civic,
28 charitable, or professional service; (ix) a devise or inheritance; (x) travel disclosed pursuant to
29 the Campaign Finance Disclosure Act (§ 24.2-945 et seq.); (xi) travel paid for or provided by the
30 government of the United States, any of its territories, or any state or any political subdivision of
31 such state; (xii) travel provided to facilitate attendance by a legislator at a regular or special
32 session of the General Assembly, a meeting of a legislative committee or commission, or a
33 national conference where attendance is approved by the House Committee on Rules or its
34 Chairman or the Senate Committee on Rules or its Chairman; (xiii) travel related to an official
35 meeting of the Commonwealth, its political subdivisions, or any board, commission, authority, or
36 other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal
37 Revenue Code affiliated with such entity, to which such person has been appointed or elected or
38 is a member by virtue of his office or employment; (xiv) gifts with a value of less than \$20; or
39 (xv) gifts from relatives or personal friends. For the purpose of this definition, "relative" means
40 the donee's spouse, child, uncle, aunt, niece, nephew, or first cousin; a person to whom the donee
41 is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother,
42 sister, step-parent, step-grandparent, step-grandchild, step-brother, or step-sister; or the donee's
43 brother's or sister's spouse. For the purpose of this definition, "personal friend" does not include
44 any person that the filer knows or has reason to know is (a) a lobbyist registered pursuant to
45 Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a lobbyist's principal as defined in
46 § 2.2-419; (c) for an officer or employee of a local governmental or advisory agency, a person,

1 organization, or business who is a party to or is seeking to become a party to a contract with the
2 local agency of which he is an officer or an employee; or (d) for an officer or employee of a state
3 governmental or advisory agency, a person, organization, or business who is a party to or is
4 seeking to become a party to a contract with the Commonwealth. For purposes of this definition,
5 "person, organization, or business" includes individuals who are officers, directors, or owners of
6 or who have a controlling ownership interest in such organization or business.

7
8 **§ 30-101. Definitions.**

9
10 As used in this chapter, unless the context requires a different meaning:...

11
12 “Gift” means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other
13 item having monetary value. It includes services as well as gifts of transportation, local travel,
14 lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or
15 reimbursement after the expense has been incurred. "Gift" does not include (i) any offer of a
16 ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used;
17 (ii) honorary degrees; (iii) any athletic, merit, or need-based scholarship or any other financial
18 aid awarded by a public or private school, institution of higher education, or other educational
19 program pursuant to such school, institution, or program's financial aid standards and procedures
20 applicable to the general public; (iv) a campaign contribution properly received and reported
21 pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private
22 profession or occupation *or volunteer service* of an officer or employee or of a member of his
23 immediate family; (vi) food or beverages consumed while attending an event at which the filer is
24 performing official duties related to his public service; (vii) food and beverages received at or
25 registration or attendance fees waived for any event at which the filer is a featured speaker,
26 presenter, or lecturer; (viii) unsolicited awards of appreciation or recognition in the form of a
27 plaque, trophy, wall memento, or similar item that is given in recognition of public, civic,
28 charitable, or professional service; (ix) a devise or inheritance; (x) travel disclosed pursuant to
29 the Campaign Finance Disclosure Act (§ 24.2-945 et seq.); (xi) travel paid for or provided by the
30 government of the United States, any of its territories, or any state or any political subdivision of
31 such state; (xii) travel provided to facilitate attendance by a legislator at a regular or special
32 session of the General Assembly, a meeting of a legislative committee or commission, or a
33 national conference where attendance is approved by the House Committee on Rules or its
34 Chairman or the Senate Committee on Rules or its Chairman; (xiii) travel related to an official
35 meeting of the Commonwealth, its political subdivisions, or any board, commission, authority, or
36 other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal
37 Revenue Code affiliated with such entity, to which such person has been appointed or elected or
38 is a member by virtue of his office or employment; (xiv) gifts with a value of less than \$20; or
39 (xv) gifts from relatives or personal friends. For the purpose of this definition, "relative" means
40 the donee's spouse, child, uncle, aunt, niece, nephew, or first cousin; a person to whom the donee
41 is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother,
42 sister, step-parent, step-grandparent, step-grandchild, step-brother, or step-sister; or the donee's
43 brother's or sister's spouse. For the purpose of this definition, "personal friend" does not include
44 any person that the filer knows or has reason to know is (a) a lobbyist registered pursuant to
45 Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a lobbyist's principal as defined in
46 § 2.2-419; (c) for an officer or employee of a local governmental or advisory agency, a person,

1 organization, or business who is a party to or is seeking to become a party to a contract with the
2 local agency of which he is an officer or an employee; or (d) for an officer or employee of a state
3 governmental or advisory agency, a person, organization, or business who is a party to or is
4 seeking to become a party to a contract with the Commonwealth. For purposes of this definition,
5 "person, organization, or business" includes individuals who are officers, directors, or owners of
6 or who have a controlling ownership interest in such organization or business.

7
8 **§ 30-356. Powers and duties of the Council.**

9
10 The Council shall:

11
12 1. Prescribe the forms required for complying with the disclosure requirements of Article 3 and
13 the Acts. These forms shall be the only forms used to comply with the provisions of Article 3 or
14 the Acts. The Council shall make available the disclosure forms and shall provide guidance and
15 other instructions to assist in the completion of the forms;

16
17 2. Review all disclosure forms filed by lobbyists pursuant to Article 3 and by state government
18 officers and employees and legislators pursuant to the Acts. The Council may review disclosure
19 forms for completeness, including reviewing the information contained on the face of the form to
20 determine if the disclosure form has been fully completed and comparing the disclosures
21 contained in any disclosure form filed by a lobbyist pursuant to § 2.2-426 with other disclosure
22 forms filed with the Council, and requesting any amendments to ensure the completeness of and
23 correction of errors in the forms, if necessary. If a disclosure form is found to have not been filed
24 or to have been incomplete as filed, the Council shall notify the filer in writing and direct the
25 filer to file a completed disclosure form within a prescribed period of time, and such notification
26 shall be confidential and is excluded from the provisions of the Virginia Freedom of Information
27 Act (§ 2.2-3700 et seq.);

28
29 3. Require all disclosure forms *and lobbyist registration statements* to be filed electronically in
30 accordance with the standards approved by the Council. The Council shall provide software or
31 electronic access for filing the required disclosure forms and *registration statements* to all filers
32 without charge. The Council shall prescribe the method of execution and certification of
33 electronically filed forms, including the use of an electronic signature as authorized by the
34 Uniform Electronic Transactions Act (§ 59.1-479 et seq.). The Council may grant extensions as
35 provided in § 30-356.2 and may authorize a designee to grant such extensions;

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37 4. Accept and review...

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39 5. Beginning July 1, 2016, establish...

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3 Proposal 10

4 **Modify Va. Code § 30-129.1, so that the mandatory training General Assembly members**
5 **attend does not have a legislatively defined period of length.**

6 **§ 30-129.1. Orientation sessions on ethics and conflicts of interest.**
7

8 The Virginia Conflict of Interest and Ethics Advisory Council shall conduct an orientation
9 session (i) for new and returning General Assembly members preceding each even-numbered
10 year regular session and (ii) for any new General Assembly member who is elected in a special
11 election and whose term commences after the date of the orientation session provided for in
12 clause (i) and at least six months before the date of the next such orientation session within three
13 months of his election. Attendance at the full orientation session shall be mandatory for newly
14 elected members. Attendance at a refresher session lasting ~~at least~~ **no more than** two-hours shall
15 be mandatory for returning members and may be accomplished by online participation. There
16 shall be no penalty for the failure of a member to attend the full or refresher orientation session,
17 but the member must disclose his attendance pursuant to § 30-111.
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1 Proposal 11

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3 **Modify the definition of “gift” by amending Va. Code §§ 30-101(xiii) and 2.2-3101(xiii), so**
4 **that when officials and legislators accept “travel related to an official meeting of the**
5 **Commonwealth, its political subdivisions, or any board, commission, authority, or other**
6 **entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal**
7 **Revenue Code affiliated with such entity,” they may also accept a meal provided by the**
8 **entity that is holding the meeting.**

9
10 **§ 2.2-3101. Definitions.**

11
12 As used in this chapter, unless the context requires a different meaning:...

13
14 “Gift” means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other
15 item having monetary value. It includes services as well as gifts of transportation, local travel,
16 lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or
17 reimbursement after the expense has been incurred. "Gift" does not include (i) any offer of a
18 ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used;
19 (ii) honorary degrees; (iii) any athletic, merit, or need-based scholarship or any other financial
20 aid awarded by a public or private school, institution of higher education, or other educational
21 program pursuant to such school, institution, or program's financial aid standards and procedures
22 applicable to the general public; (iv) a campaign contribution properly received and reported
23 pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private
24 profession or occupation of an officer or employee or of a member of his immediate family; (vi)
25 food or beverages consumed while attending an event at which the filer is performing official
26 duties related to his public service; (vii) food and beverages received at or registration or
27 attendance fees waived for any event at which the filer is a featured speaker, presenter, or
28 lecturer; (viii) unsolicited awards of appreciation or recognition in the form of a plaque, trophy,
29 wall memento, or similar item that is given in recognition of public, civic, charitable, or
30 professional service; (ix) a devise or inheritance; (x) travel disclosed pursuant to the Campaign
31 Finance Disclosure Act (§ 24.2-945 et seq.); (xi) travel paid for or provided by the government
32 of the United States, any of its territories, or any state or any political subdivision of such state;
33 (xii) travel provided to facilitate attendance by a legislator at a regular or special session of the
34 General Assembly, a meeting of a legislative committee or commission, or a national conference
35 where attendance is approved by the House Committee on Rules or its Chairman or the Senate
36 Committee on Rules or its Chairman; (xiii) travel related to an official meeting of, ***or any meal***
37 ***provided for attendance at such meeting by***, the Commonwealth, its political subdivisions, or
38 any board, commission, authority, or other entity, or any charitable organization established
39 pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such
40 person has been appointed or elected or is a member by virtue of his office or employment; (xiv)
41 gifts with a value of less than \$20; or (xv) gifts from relatives or personal friends. For the
42 purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece, nephew,
43 or first cousin; a person to whom the donee is engaged to be married; the donee's or his spouse's
44 parent, grandparent, grandchild, brother, sister, step-parent, step-grandparent, step-grandchild,
45 step-brother, or step-sister; or the donee's brother's or sister's spouse. For the purpose of this
46 definition, "personal friend" does not include any person that the filer knows or has reason to

1 know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title
2 2.2; (b) a lobbyist's principal as defined in § 2.2-419; (c) for an officer or employee of a local
3 governmental or advisory agency, a person, organization, or business who is a party to or is
4 seeking to become a party to a contract with the local agency of which he is an officer or an
5 employee; or (d) for an officer or employee of a state governmental or advisory agency, a person,
6 organization, or business who is a party to or is seeking to become a party to a contract with the
7 Commonwealth. For purposes of this definition, "person, organization, or business" includes
8 individuals who are officers, directors, or owners of or who have a controlling ownership interest
9 in such organization or business.

10
11 **§ 30-101. Definitions.**
12

13 As used in this chapter, unless the context requires a different meaning:...

14
15 “Gift” means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other
16 item having monetary value. It includes services as well as gifts of transportation, local travel,
17 lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or
18 reimbursement after the expense has been incurred. "Gift" does not include (i) any offer of a
19 ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used;
20 (ii) honorary degrees; (iii) any athletic, merit, or need-based scholarship or any other financial
21 aid awarded by a public or private school, institution of higher education, or other educational
22 program pursuant to such school, institution, or program's financial aid standards and procedures
23 applicable to the general public; (iv) a campaign contribution properly received and reported
24 pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private
25 profession or occupation of an officer or employee or of a member of his immediate family; (vi)
26 food or beverages consumed while attending an event at which the filer is performing official
27 duties related to his public service; (vii) food and beverages received at or registration or
28 attendance fees waived for any event at which the filer is a featured speaker, presenter, or
29 lecturer; (viii) unsolicited awards of appreciation or recognition in the form of a plaque, trophy,
30 wall memento, or similar item that is given in recognition of public, civic, charitable, or
31 professional service; (ix) a devise or inheritance; (x) travel disclosed pursuant to the Campaign
32 Finance Disclosure Act (§ 24.2-945 et seq.); (xi) travel paid for or provided by the government
33 of the United States, any of its territories, or any state or any political subdivision of such state;
34 (xii) travel provided to facilitate attendance by a legislator at a regular or special session of the
35 General Assembly, a meeting of a legislative committee or commission, or a national conference
36 where attendance is approved by the House Committee on Rules or its Chairman or the Senate
37 Committee on Rules or its Chairman; (xiii) travel related to an official meeting of, ***or any meal***
38 ***provided for attendance at such meeting by***, the Commonwealth, its political subdivisions, or
39 any board, commission, authority, or other entity, or any charitable organization established
40 pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such
41 person has been appointed or elected or is a member by virtue of his office or employment; (xiv)
42 gifts with a value of less than \$20; or (xv) gifts from relatives or personal friends. For the
43 purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece, nephew,
44 or first cousin; a person to whom the donee is engaged to be married; the donee's or his spouse's
45 parent, grandparent, grandchild, brother, sister, step-parent, step-grandparent, step-grandchild,
46 step-brother, or step-sister; or the donee's brother's or sister's spouse. For the purpose of this

1 definition, "personal friend" does not include any person that the filer knows or has reason to
2 know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title
3 2.2; (b) a lobbyist's principal as defined in § 2.2-419; (c) for an officer or employee of a local
4 governmental or advisory agency, a person, organization, or business who is a party to or is
5 seeking to become a party to a contract with the local agency of which he is an officer or an
6 employee; or (d) for an officer or employee of a state governmental or advisory agency, a person,
7 organization, or business who is a party to or is seeking to become a party to a contract with the
8 Commonwealth. For purposes of this definition, "person, organization, or business" includes
9 individuals who are officers, directors, or owners of or who have a controlling ownership interest
10 in such organization or business.

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1 Proposal 12

2
3 **Modify the definition of “relative,” which is contained in the definition of the word “gift,”**
4 **in Va. Code §§ 2.2-3101 and 30-101, to include sons and daughters-in laws.**

5
6 **§ 2.2-3101. Definitions.**

7
8 As used in this chapter, unless the context requires a different meaning:...

9
10 Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other
11 item having monetary value. It includes services as well as gifts of transportation, local travel,
12 lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or
13 reimbursement after the expense has been incurred. "Gift" does not include (i) any offer of a
14 ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used;
15 (ii) honorary degrees; (iii) any athletic, merit, or need-based scholarship or any other financial
16 aid awarded by a public or private school, institution of higher education, or other educational
17 program pursuant to such school, institution, or program's financial aid standards and procedures
18 applicable to the general public; (iv) a campaign contribution properly received and reported
19 pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private
20 profession or occupation of an officer or employee or of a member of his immediate family; (vi)
21 food or beverages consumed while attending an event at which the filer is performing official
22 duties related to his public service; (vii) food and beverages received at or registration or
23 attendance fees waived for any event at which the filer is a featured speaker, presenter, or
24 lecturer; (viii) unsolicited awards of appreciation or recognition in the form of a plaque, trophy,
25 wall memento, or similar item that is given in recognition of public, civic, charitable, or
26 professional service; (ix) a devise or inheritance; (x) travel disclosed pursuant to the Campaign
27 Finance Disclosure Act (§ 24.2-945 et seq.); (xi) travel paid for or provided by the government
28 of the United States, any of its territories, or any state or any political subdivision of such state;
29 (xii) travel provided to facilitate attendance by a legislator at a regular or special session of the
30 General Assembly, a meeting of a legislative committee or commission, or a national conference
31 where attendance is approved by the House Committee on Rules or its Chairman or the Senate
32 Committee on Rules or its Chairman; (xiii) travel related to an official meeting of the
33 Commonwealth, its political subdivisions, or any board, commission, authority, or other entity,
34 or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code
35 affiliated with such entity, to which such person has been appointed or elected or is a member by
36 virtue of his office or employment; (xiv) gifts with a value of less than \$20; or (xv) gifts from
37 relatives or personal friends. For the purpose of this definition, "relative" means the donee's
38 spouse, child, uncle, aunt, niece, nephew, or first cousin; a person to whom the donee is engaged
39 to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, sister, step-
40 parent, step-grandparent, step-grandchild, step-brother, or step-sister; ~~or~~ the donee's brother's or
41 sister's spouse; **or the donee's son-in-law or daughter-in-law.** For the purpose of this definition,
42 "personal friend" does not include any person that the filer knows or has reason to know is (a) a
43 lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a
44 lobbyist's principal as defined in § 2.2-419; (c) for an officer or employee of a local
45 governmental or advisory agency, a person, organization, or business who is a party to or is
46 seeking to become a party to a contract with the local agency of which he is an officer or an

1 employee; or (d) for an officer or employee of a state governmental or advisory agency, a person,
2 organization, or business who is a party to or is seeking to become a party to a contract with the
3 Commonwealth. For purposes of this definition, "person, organization, or business" includes
4 individuals who are officers, directors, or owners of or who have a controlling ownership interest
5 in such organization or business.

7 **§ 30-101. Definitions.**

8
9 As used in this chapter, unless the context requires a different meaning:...

10
11 “Gift” means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other
12 item having monetary value. It includes services as well as gifts of transportation, local travel,
13 lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or
14 reimbursement after the expense has been incurred. "Gift" does not include (i) any offer of a
15 ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used;
16 (ii) honorary degrees; (iii) any athletic, merit, or need-based scholarship or any other financial
17 aid awarded by a public or private school, institution of higher education, or other educational
18 program pursuant to such school, institution, or program's financial aid standards and procedures
19 applicable to the general public; (iv) a campaign contribution properly received and reported
20 pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private
21 profession or occupation of an officer or employee or of a member of his immediate family; (vi)
22 food or beverages consumed while attending an event at which the filer is performing official
23 duties related to his public service; (vii) food and beverages received at or registration or
24 attendance fees waived for any event at which the filer is a featured speaker, presenter, or
25 lecturer; (viii) unsolicited awards of appreciation or recognition in the form of a plaque, trophy,
26 wall memento, or similar item that is given in recognition of public, civic, charitable, or
27 professional service; (ix) a devise or inheritance; (x) travel disclosed pursuant to the Campaign
28 Finance Disclosure Act (§ 24.2-945 et seq.); (xi) travel paid for or provided by the government
29 of the United States, any of its territories, or any state or any political subdivision of such state;
30 (xii) travel provided to facilitate attendance by a legislator at a regular or special session of the
31 General Assembly, a meeting of a legislative committee or commission, or a national conference
32 where attendance is approved by the House Committee on Rules or its Chairman or the Senate
33 Committee on Rules or its Chairman; (xiii) travel related to an official meeting of the
34 Commonwealth, its political subdivisions, or any board, commission, authority, or other entity,
35 or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code
36 affiliated with such entity, to which such person has been appointed or elected or is a member by
37 virtue of his office or employment; (xiv) gifts with a value of less than \$20; or (xv) gifts from
38 relatives or personal friends. For the purpose of this definition, "relative" means the donee's
39 spouse, child, uncle, aunt, niece, nephew, or first cousin; a person to whom the donee is engaged
40 to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, sister, step-
41 parent, step-grandparent, step-grandchild, step-brother, or step-sister; ~~or~~ the donee's brother's or
42 sister's spouse, **or the donee's son-in-law or daughter-in-law**. For the purpose of this definition,
43 "personal friend" does not include any person that the filer knows or has reason to know is (a) a
44 lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a
45 lobbyist's principal as defined in § 2.2-419; (c) for an officer or employee of a local
46 governmental or advisory agency, a person, organization, or business who is a party to or is

1 seeking to become a party to a contract with the local agency of which he is an officer or an
2 employee; or (d) for an officer or employee of a state governmental or advisory agency, a person,
3 organization, or business who is a party to or is seeking to become a party to a contract with the
4 Commonwealth. For purposes of this definition, "person, organization, or business" includes
5 individuals who are officers, directors, or owners of or who have a controlling ownership interest
6 in such organization or business.

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1 Proposal 13

2
3 **Language to modify Va. Code § 2.2-422 to require all lobbyist registrations to be done**
4 **electronically. Already, all lobbyist disclosure forms must be filed electronically, and the**
5 **vast majority of all registrations are already done electronically. (All but around 20, total,**
6 **last year).**

7
8 **§ 2.2-422. Registration requirements.**

9
10 A. A lobbyist shall register with the Secretary of the Commonwealth prior to engaging in
11 lobbying. A lobbyist who engages in lobbying entirely outside the capital city shall comply with
12 this section by registering with the Secretary within fifteen days after first engaging in lobbying.
13 Registration shall be required annually and expire May 1 of each year.

14
15 B. The chief administrative officer of each local government shall register with the Secretary of
16 the Commonwealth and file a statement pursuant to § 2.2-423 if any local government
17 employees will act as lobbyists on its behalf. No registration fee shall be required. Each local
18 government shall file a consolidated report in accordance with the reporting requirements of
19 § 2.2-426 and shall maintain locally a copy of the report that is available for inspection and
20 copying during regular business hours.

21
22 *C. All registrations required by this section shall be filed electronically in accordance with the*
23 *standards approved by the Council.*

24
25 **§ 30-356. Powers and duties of the Council.**

26
27 The Council shall:

28
29 1. Prescribe the forms required for complying with the disclosure requirements of Article 3 and
30 the Acts. These forms shall be the only forms used to comply with the provisions of Article 3 or
31 the Acts. The Council shall make available the disclosure forms and shall provide guidance and
32 other instructions to assist in the completion of the forms;

33
34 2. Review all disclosure forms filed by lobbyists pursuant to Article 3 and by state government
35 officers and employees and legislators pursuant to the Acts. The Council may review disclosure
36 forms for completeness, including reviewing the information contained on the face of the form to
37 determine if the disclosure form has been fully completed and comparing the disclosures
38 contained in any disclosure form filed by a lobbyist pursuant to § 2.2-426 with other disclosure
39 forms filed with the Council, and requesting any amendments to ensure the completeness of and
40 correction of errors in the forms, if necessary. If a disclosure form is found to have not been filed
41 or to have been incomplete as filed, the Council shall notify the filer in writing and direct the
42 filer to file a completed disclosure form within a prescribed period of time, and such notification
43 shall be confidential and is excluded from the provisions of the Virginia Freedom of Information
44 Act (§ 2.2-3700 et seq.);

1 3. Require all disclosure forms *and lobbyist registration statements* to be filed electronically in
2 accordance with the standards approved by the Council. The Council shall provide software or
3 electronic access for filing the required disclosure forms and *registration statements* to all filers
4 without charge. The Council shall prescribe the method of execution and certification of
5 electronically filed forms, including the use of an electronic signature as authorized by the
6 Uniform Electronic Transactions Act (§ 59.1-479 et seq.). The Council may grant extensions as
7 provided in § 30-356.2 and may authorize a designee to grant such extensions;

8
9 4. Accept and review...

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11 5. Beginning July 1, 2016, establish...

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Proposals 14 and 15

Clarify that when a lobbyist ceases working on behalf of his principal, for whatever reason, a final disclosure report must be filed. And, a lobbyist’s principal may “officially” terminate the services of a lobbyist at any time.

§ 2.2-430. Termination.

A. A lobbyist *or a lobbyist's principal* may terminate *the lobbyist's status as a lobbyist registration for such principal* at any time ~~by filing prior to the expiration of his registration.~~^a *Upon termination, the lobbyist may file the* report required under § 2.2-426 ~~including information through the last day of lobbying activity~~^a *at any time, but shall file no later than the deadline set forth in that section.* ~~A termination~~ *Such* report shall indicate that the lobbyist intends to use the report as the final accounting of lobbying activity and shall include *information complete through the last day of lobbying activity and* the effective date of the termination. *This report shall be signed by the lobbyist's principal as otherwise required.*

B. *A lobbyist's principal who terminates the services of a lobbyist prior to the expiration of the lobbyist's registration shall provide actual notice to the lobbyist. Such notice shall inform the lobbyist that he is required to file the report required under § 2.2-426 by the deadline set forth in that section and that the lobbyist's failure to file such report by the deadline will result in the assessment of civil penalties against the lobbyist pursuant to § 2.2-431. The lobbyist's principal shall also notify the Secretary of the Commonwealth of the early termination within three business days of providing actual notice to the lobbyist.*

§ 2.2-423. Contents of registration statement.

A. The registration statement shall be on a form provided by the Secretary of the Commonwealth and include the following information:

1. The name and business address and telephone number of the lobbyist;
2. The name and business address and telephone number of the person...
3. The name and business address and telephone number of the lobbyist's principal;
4. The kind of business of the lobbyist's principal;
5. For each principal, the full name of the individual to whom the lobbyist reports;
6. For each principal, a statement whether the lobbyist is employed or retained and whether exclusively for the purpose of lobbying;
7. The position held by the lobbyist if he is a part-time or full-time employee of the principal;

1 8. The full name and business address and telephone number of each lobbyist employed by or
2 representing the lobbyist's principal;

3
4 9. An identification of the subject matter (with as much specificity as possible) with regard to
5 which the lobbyist or lobbyist's principal will engage in lobbying;

6
7 10. The statement of the lobbyist, which shall be signed either originally or by electronic
8 signature as authorized by the Uniform Electronic Transactions Act (§ 59.1-479 et seq.), that the
9 information contained on the registration statement is true and correct; and

10
11 11. A statement by which a principal may elect to waive the principal signature requirement on
12 disclosure filings submitted by its registered lobbyist after the filing of the registration statement.

13
14 B. Whenever any change, modification or addition to his status as a lobbyist is made, ***including***
15 ***the termination of his status as a lobbyist***, the lobbyist shall, within one week of such change,
16 modification or addition, furnish full information regarding the same to the Secretary of the
17 Commonwealth on forms provided by the Secretary.

18
19 C. The Secretary of the Commonwealth shall furnish a copy of this article to any individual
20 offering to register as a lobbyist and shall mail by certified mail a copy of this article and a copy
21 of the information furnished by the lobbyist to the person whom the lobbyist represents to be his
22 principal.

23
24 D. If the principal to whom the information is sent under subsection C does not, within 10 days
25 of such mailing, file an affidavit, signed by the person or duly authorized agent of the person,
26 denying that the lobbyist appears on his behalf, such person shall be deemed to have appointed
27 the Secretary of the Commonwealth his agent for service of process in any prosecution arising
28 for violation of this article. If such affidavit is filed, the Secretary shall notify the attorney for the
29 Commonwealth of the City of Richmond.

1 Proposal 16

2
3 **Language to modify Va. Code § 2.2-431(D), so that lobbyist’s principals, as well as**
4 **lobbyists, can appeal a default that is beyond their control to the Secretary of the**
5 **Commonwealth.**

6
7 **Va. Code § 2.2-431. Penalties; filing of substituted statement.**

8
9 A. Every lobbyist failing to file the statement prescribed by § 2.2-426 within the time prescribed
10 therein shall be assessed a civil penalty of \$50, and every individual failing to file the statement
11 within 10 days after the time prescribed herein shall be assessed an additional civil penalty of
12 \$50 per day from the eleventh day of such default until the statement is filed. The Council shall
13 notify the Secretary of any lobbyist's failure to file the statement within the time prescribed, and
14 the penalties shall be assessed and collected by the Secretary. The Attorney General shall assist
15 the Secretary in collecting the penalties, upon request.

16
17 B. Every lobbyist's principal whose lobbyist fails to file the statement prescribed by § 2.2-
18 426 shall be assessed a civil penalty of \$50, and shall be assessed an additional civil penalty of
19 \$50 per day from the eleventh day of such default until the statement is filed. The Council shall
20 notify the Secretary of any lobbyist's failure to file the statement within the time prescribed, and
21 the penalties shall be assessed and collected by the Secretary. The Attorney General shall assist
22 the Secretary in collecting the penalties, upon request.

23
24 C. No individual who has failed to file the statement required by § 2.2-426 or who has failed to
25 pay all penalties assessed pursuant to this section, shall register or act as a lobbyist as long as he
26 remains in default.

27
28 D. Whenever any lobbyist *or lobbyist’s principal* is or will be in default under § 2.2-426, and the
29 reasons for such default are or will be beyond his control, or the control of his principal, or both,
30 the Secretary may suspend the assessment of any penalty otherwise assessable and accept a
31 substituted statement, upon the submission of sworn proofs that shall satisfy him that the default
32 has been beyond the control of the lobbyist or his principal, and that the substituted statement
33 contains the most accurate and complete information available after the exercise of due
34 diligence.

35
36 E. Penalties collected pursuant to this section shall be payable to the State Treasurer for deposit
37 to the general fund and shall be used exclusively to fund the Council.

1 Proposal 17

2
3 **Candidates for constitutional offices, state-wide office, or the legislature should no longer**
4 **file their statements of economic interest with the Council. As they file all of their other**
5 **forms with the State Board of Elections, it makes sense that their Statement of Economic**
6 **Interests should be filed there as well.**

7
8 **§ 24.2-502. Statement of economic interests as requirement of candidacy.**

9
10 It shall be a requirement of candidacy that a written statement of economic interests shall be filed
11 by (i) a candidate for Governor, Lieutenant Governor, or Attorney General, a candidate for the
12 Senate or House of Delegates, and a candidate for a constitutional office with the ~~Virginia~~
13 ~~Conflict of Interest and Ethics Advisory Council~~ **State Board** and (ii) a candidate for member of
14 the governing body or elected school board of any county, city, or town with a population in
15 excess of 3,500 persons with the general registrar for the county or city. The statement of
16 economic interests shall be that specified in § 30-111 for candidates for the General Assembly
17 and in § 2.2-3117 for all other candidates. The foregoing requirement shall not apply to a
18 candidate for reelection to the same office who has met the requirement of annually filing a
19 statement pursuant to § 2.2-3114, 2.2-3115, or 30-110.

20 ~~The Virginia Conflict of Interest and Ethics Advisory Council shall transmit to the State Board,~~
21 ~~immediately after the filing deadline, a list of the candidates who have filed initial or annual~~
22 ~~statements of economic interests.~~ The general registrar, the clerk of the local governing body, or
23 the clerk of the school board, as appropriate, shall transmit to the local electoral board,
24 immediately after the filing deadline, a list of the candidates who have filed initial or annual
25 statements of economic interests.

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27 ***2. That an emergency exists and this act is in force from its passage.***
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1 Proposal 18

2
3 **Modify the definition of a “widely attended event,” in Va. Code §§ 30-103.1 and 2.2-3103.1,**
4 **to NOT include events where the individuals “(i)...share a common interest.” This change**
5 **would limit the “widely attended event” exception to events where the attendees (or at least**
6 **25 of the expected attendees) are “members of a public civic, charitable, or professional**
7 **organization,” or are “from a particular industry or profession”, or who “represent**
8 **persons interested in a particular issue.” With this change, filers could still attend, at the**
9 **expense of a lobbyist or principal or contractor, a Kiwanis dinner, or a professional**
10 **organization’s end of year award banquet. However, no longer would such events as ball**
11 **games, or concert performances count, merely because more than 25 people were expected**
12 **to attend the event.**

13
14 **§ 2.2-3103.1. Certain gifts prohibited.**

15
16 A. For purposes of this section:

17
18 "Person, organization, or business" includes individuals who are officers, directors, or owners of
19 or who have a controlling ownership interest in such organization or business.

20
21 "Widely attended event" means an event at which at least 25 persons have been invited to attend
22 or there is a reasonable expectation that at least 25 persons will attend the event and the event is
23 open to individuals (i) ~~who share a common interest,~~ (ii) who are members of a public, civic,
24 charitable, or professional organization, ~~(iii)~~ (ii) who are from a particular industry or profession,
25 or ~~(iv)~~ (iii) who represent persons interested in a particular issue.

26
27 B. No officer or employee of a local governmental or advisory agency or candidate required to
28 file...

29
30 **§ 30-103.1 Certain gifts prohibited.**

31
32 A. For purposes of this section:

33
34 "Widely attended event" means an event at which at least 25 persons have been invited to attend
35 or there is a reasonable expectation that at least 25 persons will attend the event and the event is
36 open to individuals (i) ~~who share a common interest,~~ (ii) who are members of a public, civic,
37 charitable, or professional organization, ~~(iii)~~ (ii) who are from a particular industry or profession,
38 or ~~(iv)~~ (iii) who represent persons interested in a particular issue.

39
40 B. No legislator or candidate for the General Assembly required to file the disclosure form...

1 Proposal 19

2
3 **Modify the definition of gift in Va. Code §§ 2.2-3101 and 30-101 to exclude gifts that are**
4 **given by individuals, who are personal friends, when the occasion of the gift is a special**
5 **occasion, and acceptance of the gift would not otherwise represent a conflict of interest.**
6

7 **§ 2.2-3101. Definitions.**
8

9 As used in this chapter, unless the context requires a different meaning:...

10
11 “Gift” means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other
12 item having monetary value. It includes services as well as gifts of transportation, local travel,
13 lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or
14 reimbursement after the expense has been incurred. "Gift" does not include (i) any offer of a
15 ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used;
16 (ii) honorary degrees; (iii) any athletic, merit, or need-based scholarship or any other financial
17 aid awarded by a public or private school, institution of higher education, or other educational
18 program pursuant to such school, institution, or program's financial aid standards and procedures
19 applicable to the general public; (iv) a campaign contribution properly received and reported
20 pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private
21 profession or occupation of an officer or employee or of a member of his immediate family; (vi)
22 food or beverages consumed while attending an event at which the filer is performing official
23 duties related to his public service; (vii) food and beverages received at or registration or
24 attendance fees waived for any event at which the filer is a featured speaker, presenter, or
25 lecturer; (viii) unsolicited awards of appreciation or recognition in the form of a plaque, trophy,
26 wall memento, or similar item that is given in recognition of public, civic, charitable, or
27 professional service; (ix) a devise or inheritance; (x) travel disclosed pursuant to the Campaign
28 Finance Disclosure Act (§ 24.2-945 et seq.); (xi) travel paid for or provided by the government
29 of the United States, any of its territories, or any state or any political subdivision of such state;
30 (xii) travel provided to facilitate attendance by a legislator at a regular or special session of the
31 General Assembly, a meeting of a legislative committee or commission, or a national conference
32 where attendance is approved by the House Committee on Rules or its Chairman or the Senate
33 Committee on Rules or its Chairman; (xiii) travel related to an official meeting of the
34 Commonwealth, its political subdivisions, or any board, commission, authority, or other entity,
35 or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code
36 affiliated with such entity, to which such person has been appointed or elected or is a member by
37 virtue of his office or employment; (xiv) gifts with a value of less than \$20; ~~or~~ (xv) ***any gift,***
38 ***given on a special occasion such as a birthday or holiday by an individual in a bona fide***
39 ***personal relationship with the donee where the circumstances demonstrate that the motivation***
40 ***for the gift arises from the relationship and is not related to the donee's public position, and***
41 ***the donor is not acting as an intermediary for another; or*** (xvi) gifts from relatives or personal
42 friends. For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt,
43 niece, nephew, or first cousin; a person to whom the donee is engaged to be married; the donee's
44 or his spouse's parent, grandparent, grandchild, brother, sister, step-parent, step-grandparent,
45 step-grandchild, step-brother, or step-sister; or the donee's brother's or sister's spouse. For the
46 purpose of this definition, "personal friend" does not include any person that the filer knows or

1 has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter
2 4 of Title 2.2; (b) a lobbyist's principal as defined in § 2.2-419; (c) for an officer or employee of
3 a local governmental or advisory agency, a person, organization, or business who is a party to or
4 is seeking to become a party to a contract with the local agency of which he is an officer or an
5 employee; or (d) for an officer or employee of a state governmental or advisory agency, a person,
6 organization, or business who is a party to or is seeking to become a party to a contract with the
7 Commonwealth. For purposes of this definition, "person, organization, or business" includes
8 individuals who are officers, directors, or owners of or who have a controlling ownership interest
9 in such organization or business.

11 **§ 30-101. Definitions.**

13 As used in this chapter, unless the context requires a different meaning:...

15 "Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other
16 item having monetary value. It includes services as well as gifts of transportation, local travel,
17 lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or
18 reimbursement after the expense has been incurred. "Gift" does not include (i) any offer of a
19 ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used;
20 (ii) honorary degrees; (iii) any athletic, merit, or need-based scholarship or any other financial
21 aid awarded by a public or private school, institution of higher education, or other educational
22 program pursuant to such school, institution, or program's financial aid standards and procedures
23 applicable to the general public; (iv) a campaign contribution properly received and reported
24 pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private
25 profession or occupation of an officer or employee or of a member of his immediate family; (vi)
26 food or beverages consumed while attending an event at which the filer is performing official
27 duties related to his public service; (vii) food and beverages received at or registration or
28 attendance fees waived for any event at which the filer is a featured speaker, presenter, or
29 lecturer; (viii) unsolicited awards of appreciation or recognition in the form of a plaque, trophy,
30 wall memento, or similar item that is given in recognition of public, civic, charitable, or
31 professional service; (ix) a devise or inheritance; (x) travel disclosed pursuant to the Campaign
32 Finance Disclosure Act (§ 24.2-945 et seq.); (xi) travel paid for or provided by the government
33 of the United States, any of its territories, or any state or any political subdivision of such state;
34 (xii) travel provided to facilitate attendance by a legislator at a regular or special session of the
35 General Assembly, a meeting of a legislative committee or commission, or a national conference
36 where attendance is approved by the House Committee on Rules or its Chairman or the Senate
37 Committee on Rules or its Chairman; (xiii) travel related to an official meeting of the
38 Commonwealth, its political subdivisions, or any board, commission, authority, or other entity,
39 or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code
40 affiliated with such entity, to which such person has been appointed or elected or is a member by
41 virtue of his office or employment; (xiv) gifts with a value of less than \$20; or (xv) ***any gift,***
42 ***given on a special occasion such as a birthday or holiday by an individual in a bona fide***
43 ***personal relationship with the donee where the circumstances demonstrate that the motivation***
44 ***for the gift arises from the relationship and is not related to the donee's public position, and***
45 ***the donor is not acting as an intermediary for another; or (xvi) gifts from relatives or personal***
46 friends. For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt,

1 niece, nephew, or first cousin; a person to whom the donee is engaged to be married; the donee's
2 or his spouse's parent, grandparent, grandchild, brother, sister, step-parent, step-grandparent,
3 step-grandchild, step-brother, or step-sister; or the donee's brother's or sister's spouse. For the
4 purpose of this definition, "personal friend" does not include any person that the filer knows or
5 has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter
6 4 of Title 2.2; (b) a lobbyist's principal as defined in § 2.2-419; (c) for an officer or employee of
7 a local governmental or advisory agency, a person, organization, or business who is a party to or
8 is seeking to become a party to a contract with the local agency of which he is an officer or an
9 employee; or (d) for an officer or employee of a state governmental or advisory agency, a person,
10 organization, or business who is a party to or is seeking to become a party to a contract with the
11 Commonwealth. For purposes of this definition, "person, organization, or business" includes
12 individuals who are officers, directors, or owners of or who have a controlling ownership interest
13 in such organization or business.
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Proposal 20

If a filer is unable to meet a filing deadline, due to the form not being made available to him until after the filing deadline, he shall be entitled to a 5 day extension, and the person responsible for the delay (the agency head, or the clerk of the school board or of the locality) shall be responsible for a \$250 civil penalty. If the form is provided to the filer within 3 days of the filing deadline, he shall be entitled to a 3 day extension, and no civil penalties will be assessed.

§ 30-356.2. Right to grant extensions in special circumstances.

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

1. The death of a relative of the filer, as relative is defined in the definition of "gift" in Article 3 or the Acts.
2. A state of emergency is declared by the Governor pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 or declared by the President of the United States or the governor of another state pursuant to law and confirmed by the Governor by an executive order, and such an emergency interferes with the timely filing of disclosure forms. The extension shall be granted only for those filers in areas affected by such emergency.
3. The filer is a member of a uniformed service of the United States and is on active duty on the date of the filing deadline.
4. A failure of the electronic filing system and the failure of such system prevents the timely filing of disclosure forms.

Any person who is unable to timely file the disclosure form prescribed in the Acts due to the form not being made available to him until after the deadline has passed shall be granted a 5 day extension, upon request, and the head of the agency for which the person works, or the clerk of the school board or the governing body of the locality that was responsible for providing the form, shall be assessed a civil penalty in an amount equal to \$250, to be collected in the manner provided for in § 2.2-3124(B). If the form is provided to the person within three days prior to the filing deadline, the person shall be granted a 3 day extension, upon request, and no civil penalties shall be assessed against the head of the agency or the clerk.

1 Proposal 21

2
3 **Modify Va. Code § 2.2-431(A) and (B) so that there is a cap on the total amount of civil**
4 **penalties that can accrue for either a lobbyist or lobbyist's principal who is in default for**
5 **failure to file a disclosure form. Currently, the penalty is \$50 per day, at a continuous rate,**
6 **once 11 days have gone by. This could lead, in theory, to a civil penalty of hundreds of**
7 **thousands of dollars. Suggested cap: \$5,000.**
8
9

10 **§ 2.2-431. Penalties; filing of substituted statement.**
11

12 A. Every lobbyist failing to file the statement prescribed by § 2.2-426 within the time prescribed
13 therein shall be assessed a civil penalty of \$50, and every individual failing to file the statement
14 within 10 days after the time prescribed herein shall be assessed an additional civil penalty of
15 \$50 per day from the eleventh day of such default, ***up to a total of \$5,000***, until the statement is
16 filed. The Council shall notify the Secretary of any lobbyist's failure to file the statement within
17 the time prescribed, and the penalties shall be assessed and collected by the Secretary. The
18 Attorney General shall assist the Secretary in collecting the penalties, upon request.
19

20 B. Every lobbyist's principal whose lobbyist fails to file the statement prescribed by § 2.2-
21 426 shall be assessed a civil penalty of \$50, and shall be assessed an additional civil penalty of
22 \$50 per day from the eleventh day of such default, ***up to a total of \$5,000***, until the statement is
23 filed. The Council shall notify the Secretary of any lobbyist's failure to file the statement within
24 the time prescribed, and the penalties shall be assessed and collected by the Secretary. The
25 Attorney General shall assist the Secretary in collecting the penalties, upon request.
26

27 C. No individual who has failed to file the statement required by § 2.2-426 or who has failed to
28 pay all penalties assessed pursuant to this section, shall register or act as a lobbyist as long as he
29 remains in default.
30

31 D. Whenever any lobbyist is or will be in default under § 2.2-426, and the reasons for such
32 default are or will be beyond his control, or the control of his principal, or both, the Secretary
33 may suspend the assessment of any penalty otherwise assessable and accept a substituted
34 statement, upon the submission of sworn proofs that shall satisfy him that the default has been
35 beyond the control of the lobbyist or his principal, and that the substituted statement contains the
36 most accurate and complete information available after the exercise of due diligence.
37

38 E. Penalties collected pursuant to this section shall be payable to the State Treasurer for deposit
39 to the general fund and shall be used exclusively to fund the Council.
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1 Proposal 22

2
3 **Language to modify the “immunity” provisions of Va. Code §§ 30-124 and 2.2-3121 to**
4 **clarify that written guidance from the Ethics Council can protect the person who asked for**
5 **guidance from prosecution. The request for guidance must also be in writing.**
6

7 **§ 2.2-3121. Advisory opinions.**
8

9 A. A state officer or employee shall not be prosecuted for a knowing violation of this chapter if
10 the alleged violation resulted from his good faith reliance on a written opinion of the Attorney
11 General or *a written opinion or written informal advice from* the Virginia Conflict of Interest
12 and Ethics Advisory Council made in response to his written request for such opinion *or advice*
13 and the opinion *or advice* was made after a full disclosure of the facts regardless of whether such
14 opinion *or advice* is later withdrawn provided the alleged violation occurred prior to the
15 withdrawal of the opinion *or advice*.
16

17 B. A local officer or employee shall not be prosecuted for a knowing violation of this chapter if
18 the alleged violation resulted from his good faith reliance on a written opinion of the attorney for
19 the Commonwealth or *a written opinion or written informal advice from* the Council made in
20 response to his written request for such opinion *or advice* and the opinion *or advice* was made
21 after a full disclosure of the facts regardless of whether such opinion *or advice* is later
22 withdrawn, provided that the alleged violation occurred prior to the withdrawal of the opinion *or*
23 *advice*. ~~The A~~ written opinion shall be a public record and shall be released upon request.
24

25 C. If any officer or employee serving at the local level of government is charged with a knowing
26 violation of this chapter, and the alleged violation resulted from his reliance upon a written
27 opinion of his county, city, or town attorney, made after a full disclosure of the facts, that such
28 action was not in violation of this chapter, then the officer or employee shall have the right to
29 introduce a copy of the opinion at his trial as evidence that he did not knowingly violate this
30 chapter.
31

32 **§ 30-124. Advisory opinions.**
33

34 A legislator shall not be prosecuted or disciplined for a violation of this chapter if his alleged
35 violation resulted from his good faith reliance on a written opinion of a committee on standards
36 of conduct established pursuant to § 30-120, an opinion of the Attorney General as provided in
37 § 30-122, or a formal opinion of *or written informal advice from* the Virginia Conflict of
38 Interest and Ethics Advisory Council established pursuant to § 30-355, and the opinion *or advice*
39 was made after his full disclosure of the facts regardless of whether such opinion *or advice* is
40 later withdrawn provided the alleged violation occurred prior to the withdrawal of the opinion *or*
41 *advice*.
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46

Proposals 23, 24 and 25

Language to extend the filing period for legislators, constitutional officers, and state and local officials and employees, from 2 weeks to 4 weeks (through February 1). The two week period is too compressed a time period for the thousands of filings that are sent to the Council. And, extend the deadline for lobbyists to notify legislative and executive officials that they will be included on Schedule A or B of a lobbyist disclosure statement, up to January 10. This would help provide consistency in the reporting dates. Lastly, clarify that if an officer or employee is required to file a disclosure statement as a condition of assuming office or employment, the statement must be filed on or before the date the office is assumed. The period of reporting will be for the previous 12 months, up through the last day of the preceding month; if the office or position is started in January, their initial filing will be treated as an annual filing, and will be due on February 1.

§ 2.2-426. Lobbyist reporting; penalty.

A. Each lobbyist shall file with the Council a separate annual report of expenditures, including gifts, for each principal for whom he lobbies by July 1 for the preceding 12-month period complete through the last day of April.

B. Each principal who expends more than \$500 to employ or compensate multiple lobbyists shall be responsible for filing a consolidated lobbyist report pursuant to this section in any case in which the lobbyists are each exempt under the provisions of subdivision 7 or 8 of § 2.2-420 from the reporting requirements of this section.

C. The report shall be on a form prescribed by the Council and shall be accompanied by instructions provided by the Council. All reports shall be submitted electronically and in accordance with the standards approved by the Council pursuant to the provisions of § 30-356.

D. A person who knowingly and intentionally makes a false statement of a material fact on the disclosure statement is guilty of a Class 5 felony.

E. The name of a legislative or executive official, or a member of his immediate family, attending any reportable entertainment event shall not be required to be disclosed by the principal if that legislative or executive official reimburses the principal for, or otherwise pays for, his attendance, or the attendance of a member of his immediate family, at the entertainment event. Reimbursement shall be calculated using the average value for each person attending the event.

F. Each lobbyist shall send to each legislative and executive official who is required to be identified by name on Schedule A or B of the Lobbyist's Disclosure Form a copy of Schedule A or B or a summary of the information pertaining to that official. Copies or summaries shall be provided to the official by ~~December 15~~ January 10 for the preceding 12-month period complete through ~~November 30~~ December 31.

1 **§ 2.2-3114. Disclosure by state officers and employees.**

2
3 A. ~~The~~ *In accordance with the requirements set forth in § 2.2-3118.2, the* Governor, Lieutenant
4 Governor, Attorney General, Justices of the Supreme Court, judges of the Court of Appeals,
5 judges of any circuit court, judges and substitute judges of any district court, members of the
6 State Corporation Commission, members of the Virginia Workers' Compensation Commission,
7 members of the Commonwealth Transportation Board, members of the Board of Trustees of the
8 Virginia Retirement System, members of the Virginia Alcoholic Beverage Control Board, and
9 members of the Virginia Lottery Board and other persons occupying such offices or positions of
10 trust or employment in state government, including members of the governing bodies of
11 authorities, as may be designated by the Governor, or officers or employees of the legislative
12 branch, as may be designated by the Joint Rules Committee of the General Assembly, shall file
13 with the Council, as a condition to assuming office or employment, a disclosure statement of
14 their personal interests and such other information as is required on the form prescribed by the
15 Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or before
16 ~~January 15. When the filing deadline falls on a Saturday, Sunday, or legal holiday, the disclosure~~
17 ~~statement shall be filed on the next day that is not a Saturday, Sunday, or legal holiday~~ *February*
18 *1.*

19
20 B. ~~Nonsalaried~~ *In accordance with the requirements set forth in § 2.2-3118.2, nonsalaried*
21 citizen members of all policy and supervisory boards, commissions and councils in the executive
22 branch of state government, other than the Commonwealth Transportation Board, members of
23 the Board of Trustees of the Virginia Retirement System, and the Virginia Lottery Board, shall
24 file with the Council, as a condition to assuming office, a disclosure form of their personal
25 interests and such other information as is required on the form prescribed by the Council
26 pursuant to § 2.2-3118 and thereafter shall file such form annually on or before ~~January 15.~~
27 ~~When the filing deadline falls on a Saturday, Sunday, or legal holiday, the disclosure statement~~
28 ~~shall be filed on the next day that is not a Saturday, Sunday, or legal holiday~~ *February 1.*
29 Nonsalaried citizen members of other boards, commissions and councils, including advisory
30 boards and authorities, may be required to file a disclosure form if so designated by the
31 Governor, in which case the form shall be that prescribed by the Council pursuant to § 2.2-3118.

32
33 C. The disclosure forms required by subsections A and B shall be made available by the Council
34 at least 30 days prior to the filing deadline. Disclosure forms shall be filed electronically with the
35 Council in accordance with the standards approved by it pursuant to § 30-356. All forms shall be
36 maintained as public records for five years in the office of the Council. Such forms shall be made
37 public no later than six weeks after filing.

38
39 D. Candidates for the offices of Governor, Lieutenant Governor or Attorney General shall file a
40 disclosure statement of their personal interests as required by § 24.2-502.

41
42 E. Any officer or employee of state government who has a personal interest in any transaction
43 before the governmental or advisory agency of which he is an officer or employee and who is
44 disqualified from participating in that transaction pursuant to subdivision A 1 of § 2.2-3112, or
45 otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his
46 interest, including the full name and address of the business and the address or parcel number for

1 the real estate if the interest involves a business or real estate, and his disclosure shall also be
2 reflected in the public records of the agency for five years in the office of the administrative head
3 of the officer's or employee's governmental agency or advisory agency or, if the agency has a
4 clerk, in the clerk's office.

5
6 F. An officer or employee of state government who is required to declare his interest pursuant to
7 subdivision A 2 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved,
8 (ii) the nature of the officer's or employee's personal interest affected by the transaction, (iii) that
9 he is a member of a business, profession, occupation, or group the members of which are
10 affected by the transaction, and (iv) that he is able to participate in the transaction fairly,
11 objectively, and in the public interest. The officer or employee shall either make his declaration
12 orally to be recorded in written minutes for his agency or file a signed written declaration with
13 the clerk or administrative head of his governmental or advisory agency, as appropriate, who
14 shall, in either case, retain and make available for public inspection such declaration for a period
15 of five years from the date of recording or receipt. If reasonable time is not available to comply
16 with the provisions of this subsection prior to participation in the transaction, the officer or
17 employee shall prepare and file the required declaration by the end of the next business day.

18
19 G. An officer or employee of state government who is required to declare his interest pursuant to
20 subdivision A 3 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved,
21 (ii) that a party to the transaction is a client of his firm, (iii) that he does not personally represent
22 or provide services to the client, and (iv) that he is able to participate in the transaction fairly,
23 objectively, and in the public interest. The officer or employee shall either make his declaration
24 orally to be recorded in written minutes for his agency or file a signed written declaration with
25 the clerk or administrative head of his governmental or advisory agency, as appropriate, who
26 shall, in either case, retain and make available for public inspection such declaration for a period
27 of five years from the date of recording or receipt. If reasonable time is not available to comply
28 with the provisions of this subsection prior to participation in the transaction, the officer or
29 employee shall prepare and file the required declaration by the end of the next business day.

30
31 H. Notwithstanding any other provision of law, chairs of departments at a public institution of
32 higher education in the Commonwealth shall not be required to file the disclosure form
33 prescribed by the Council pursuant to § 2.2-3117 or 2.2-3118.

34
35 **§ 2.2-3115. Disclosure by local government officers and employees.**

36
37 | A. ~~The~~ *In accordance with the requirements set forth in § 2.2-3118.2, the* members of every
38 governing body and school board of each county and city and of towns with populations in
39 excess of 3,500 shall file, as a condition to assuming office or employment, a disclosure
40 statement of their personal interests and other information as is required on the form prescribed
41 by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or
42 | before ~~January 15~~ *February 1*.

43
44 | ~~The~~ *In accordance with the requirements set forth in § 2.2-3118.2, the* members of the
45 governing body of any authority established in any county or city, or part or combination thereof,
46 and having the power to issue bonds or expend funds in excess of \$10,000 in any fiscal year,

1 shall file, as a condition to assuming office, a disclosure statement of their personal interests and
2 other information as is required on the form prescribed by the Council pursuant to § 2.2-3118
3 and thereafter shall file such a statement annually on or before ~~January 15~~ February 1, unless the
4 governing body of the jurisdiction that appoints the members requires that the members file the
5 form set forth in § 2.2-3117.

6
7 ~~Persons~~ In accordance with the requirements set forth in § 2.2-3118.2, persons occupying such
8 positions of trust appointed by governing bodies and persons occupying such positions of
9 employment with governing bodies as may be designated to file by ordinance of the governing
10 body shall file, as a condition to assuming office or employment, a disclosure statement of their
11 personal interests and other information as is required on the form prescribed by the Council
12 pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or before ~~January 15~~
13 February 1.

14
15 ~~Persons~~ In accordance with the requirements set forth in § 2.2-3118.2, persons occupying such
16 positions of trust appointed by school boards and persons occupying such positions of
17 employment with school boards as may be designated to file by an adopted policy of the school
18 board shall file, as a condition to assuming office or employment, a disclosure statement of their
19 personal interests and other information as is required on the form prescribed by the Council
20 pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or before ~~January 15~~
21 February 1.

22
23 B. ~~Nonsalaried~~ In accordance with the requirements set forth in § 2.2-3118.2, nonsalaried
24 citizen members of local boards, commissions and councils as may be designated by the
25 governing body shall file, as a condition to assuming office, a disclosure form of their personal
26 interests and such other information as is required on the form prescribed by the Council
27 pursuant to § 2.2-3118 and thereafter shall file such form annually on or before ~~January 15~~
28 February 1.

29
30 C. No person shall be mandated to file any disclosure not otherwise required by this article.

31
32 D. The disclosure forms required by subsections A and B shall be made available by the Virginia
33 Conflict of Interest and Ethics Advisory Council at least 30 days prior to the filing deadline, and
34 the clerks of the governing body and school board shall distribute the forms to designated
35 individuals at least 20 days prior to the filing deadline. Forms shall be filed and maintained as
36 public records for five years in the office of the clerk of the respective governing body or school
37 board. Forms filed by members of governing bodies of authorities shall be filed and maintained
38 as public records for five years in the office of the clerk of the governing body of the county or
39 city. Such forms shall be made public no later than six weeks after filing.

40
41 E. Candidates for membership in the governing body or school board of any county, city or town
42 with a population of more than 3,500 persons shall file a disclosure statement of their personal
43 interests as required by § 24.2-502.

44
45 F. Any officer or employee of local government who has a personal interest in any transaction
46 before the governmental or advisory agency of which he is an officer or employee and who is

1 disqualified from participating in that transaction pursuant to subdivision A 1 of § 2.2-3112 or
2 otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his
3 interest, including the full name and address of the business and the address or parcel number for
4 the real estate if the interest involves a business or real estate, and his disclosure shall be
5 reflected in the public records of the agency for five years in the office of the administrative head
6 of the officer's or employee's governmental or advisory agency.

7
8 G. In addition to any disclosure required by subsections A and B, in each county and city and in
9 towns with populations in excess of 3,500, members of planning commissions, boards of zoning
10 appeals, real estate assessors, and all county, city and town managers or executive officers shall
11 make annual disclosures of all their interests in real estate located in the county, city or town in
12 which they are elected, appointed, or employed. Such disclosure shall include any business in
13 which such persons own an interest, or from which income is received, if the primary purpose of
14 the business is to own, develop or derive compensation through the sale, exchange or
15 development of real estate in the county, city or town. ~~Such~~ **In accordance with the**
16 **requirements set forth in § 2.2-3118.2, such** disclosure shall be filed as a condition to assuming
17 office or employment, and thereafter shall be filed annually with the clerk of the governing body
18 of such county, city, or town on or before ~~January 15~~ **February 1**. Such disclosures shall be filed
19 and maintained as public records for five years. Such forms shall be made public no later than six
20 weeks after filing. Forms for the filing of such reports shall be made available by the Virginia
21 Conflict of Interest and Ethics Advisory Council to the clerk of each governing body.

22
23 H. An officer or employee of local government who is required to declare his interest pursuant to
24 subdivision A 2 of § 2.2-3112 shall declare his interest by stating (i) the transaction involved, (ii)
25 the nature of the officer's or employee's personal interest affected by the transaction, (iii) that he
26 is a member of a business, profession, occupation, or group the members of which are affected
27 by the transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and
28 in the public interest. The officer or employee shall either make his declaration orally to be
29 recorded in written minutes for his agency or file a signed written declaration with the clerk or
30 administrative head of his governmental or advisory agency, as appropriate, who shall, in either
31 case, retain and make available for public inspection such declaration for a period of five years
32 from the date of recording or receipt. If reasonable time is not available to comply with the
33 provisions of this subsection prior to participation in the transaction, the officer or employee
34 shall prepare and file the required declaration by the end of the next business day. The officer or
35 employee shall also orally disclose the existence of the interest during each meeting of the
36 governmental or advisory agency at which the transaction is discussed and such disclosure shall
37 be recorded in the minutes of the meeting.

38
39 I. An officer or employee of local government who is required to declare his interest pursuant to
40 subdivision A 3 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved,
41 (ii) that a party to the transaction is a client of his firm, (iii) that he does not personally represent
42 or provide services to the client, and (iv) that he is able to participate in the transaction fairly,
43 objectively, and in the public interest. The officer or employee shall either make his declaration
44 orally to be recorded in written minutes for his agency or file a signed written declaration with
45 the clerk or administrative head of his governmental or advisory agency, as appropriate, who
46 shall, in either case, retain and make available for public inspection such declaration for a period

1 of five years from the date of recording or receipt. If reasonable time is not available to comply
2 with the provisions of this subsection prior to participation in the transaction, the officer or
3 employee shall prepare and file the required declaration by the end of the next business day.
4

5 **§ 2.2-3118.2. Disclosure form; filing requirements.**

6
7 **A. An officer or employee required to file an annual disclosure on or before February 1**
8 **pursuant to this article shall disclose his personal interests and other information as required**
9 **on the form prescribed by the Council for the preceding calendar year complete through**
10 **December 31. An officer or employee required to file a disclosure as a condition to assuming**
11 **office or employment shall file such disclosure on or before the day such office or position of**
12 **employment is assumed and disclose his personal interests and other information as required**
13 **on the form prescribed by the Council for the preceding 12-month period complete through**
14 **the last day of the month immediately preceding the month in which the office or position of**
15 **employment is assumed; however, any officer or employee who assumes office or a position of**
16 **employment in January shall only be required to file an annual disclosure on or before**
17 **February 1 for the preceding calendar year complete through December 31.**

18
19 **B. When deadline for filing any disclosure pursuant to this article falls on a Saturday,**
20 **Sunday, or legal holiday, the disclosure shall be filed on the next day that is not a Saturday,**
21 **Sunday, or legal holiday.**

22
23 **§ 30-110. Disclosure.**

24
25 ~~Every~~ **In accordance with the requirements set forth in § 30-111.1, every** legislator and
26 legislator-elect shall file, as a condition to assuming office, a disclosure statement of his personal
27 interests and such other information as is required on the form prescribed by the Council
28 pursuant to § 30-111 and thereafter shall file such a statement annually on or before ~~January 15.~~
29 ~~When the filing deadline falls on a Saturday, Sunday, or legal holiday, the disclosure statement~~
30 ~~shall be filed on the next day that is not a Saturday, Sunday, or legal holiday~~ **February 1.**

31 Disclosure forms shall be made available by the Virginia Conflict of Interest and Ethics
32 Advisory Council at least 30 days prior to the filing deadline. Disclosure forms shall be filed
33 electronically with the Virginia Conflict of Interest and Ethics Advisory Council in accordance
34 with the standards approved by it pursuant to § 30-356. The disclosure forms of the members of
35 the General Assembly shall be maintained as public records for five years in the office of the
36 Virginia Conflict of Interest and Ethics Advisory Council. Such forms shall be made public no
37 later than six weeks after filing.

38
39 B. Candidates for the General Assembly shall file a disclosure statement of their personal
40 interests as required by §§ 24.2-500 through 24.2-503.

41
42 C. Any legislator who has a personal interest in any transaction pending before the General
43 Assembly and who is disqualified from participating in that transaction pursuant to § 30-108 and
44 the rules of his house shall disclose his interest in accordance with the applicable rule of his
45 house.
46

1 § 30-111.1. Disclosure form; filing requirements.

2
3 A. A legislator or legislator-elect required to file an annual disclosure on or before February 1
4 pursuant to this article shall disclose his personal interests and other information as required
5 on the form prescribed by the Council for the preceding calendar year complete through
6 December 31. A legislator or legislator-elect required to file a disclosure as a condition to
7 assuming office shall file such disclosure on or before the day such office is assumed and
8 disclose his personal interests and other information as required on the form prescribed by the
9 Council for the preceding 12-month period complete through the last day of the month
10 immediately preceding the month in which the office is assumed; however, any legislator or
11 legislator-elect who assumes office in January shall only be required to file an annual
12 disclosure on or before February 1 for the preceding calendar year complete through
13 December 31

14
15 B. When deadline for filing any disclosure pursuant to this article falls on a Saturday,
16 Sunday, or legal holiday, the disclosure shall be filed on the next day that is not a Saturday,
17 Sunday, or legal holiday.

Proposals 26 and 27

The Advisory Committee that was convened by the Executive Secretary of the Supreme Court's Office to study the relationship between the judiciary and the State and Local Conflict of Interests Act, recommended two changes to the Act. One was to remove judges from the "prohibited gifts" section of the Act. They would still be bound by the Canons of Judicial Conduct, which in general are more strict than the prohibitions contained in the Act. However, this would allow them to accept memberships in bar associations and to attend legal conferences and retreats. The second was to remove a judge's adjudicative functions from the "prohibited transactions" section of the Act. In their role as judges, the judiciary is best governed by the Canons of Judicial Conduct.

§ 2.2-3103.1. Certain gifts prohibited.

A. For purposes of this section:

"Person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

"Widely attended event" means an event at which at least 25 persons have been invited to attend or there is a reasonable expectation that at least 25 persons will attend the event and the event is open to individuals (i) who share a common interest, (ii) who are members of a public, civic, charitable, or professional organization, (iii) who are from a particular industry or profession, or (iv) who represent persons interested in a particular issue.

B. No officer or employee of a local governmental or advisory agency or candidate required to file the disclosure form prescribed in § 2.2-3117 or a member of his immediate family shall solicit, accept, or receive any single gift with a value in excess of \$100 or any combination of gifts with an aggregate value in excess of \$100 within any calendar year for himself or a member of his immediate family from any person that he or a member of his immediate family knows or has reason to know is (i) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4; (ii) a lobbyist's principal as defined in § 2.2-419; or (iii) a person, organization, or business who is or is seeking to become a party to a contract with the local agency of which he is an officer or an employee. Gifts with a value of less than \$20 are not subject to aggregation for purposes of this prohibition.

C. No officer or employee of a state governmental or advisory agency or candidate required to file the disclosure form prescribed in § 2.2-3117 or a member of his immediate family shall solicit, accept, or receive any single gift with a value in excess of \$100 or any combination of gifts with an aggregate value in excess of \$100 within any calendar year for himself or a member of his immediate family from any person that he or a member of his immediate family knows or has reason to know is (i) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4; (ii) a lobbyist's principal as defined in § 2.2-419; or (iii) a person, organization, or business who is or is seeking to become a party to a contract with the state governmental or advisory agency of which he is an officer or an employee or over which he has the authority to direct such

1 agency's activities. Gifts with a value of less than \$20 are not subject to aggregation for purposes
2 of this prohibition.

3
4 D. Notwithstanding the provisions of subsections B and C, such officer, employee, or candidate
5 or a member of his immediate family may accept or receive a gift of food and beverages,
6 entertainment, or the cost of admission with a value in excess of \$100 when such gift is accepted
7 or received while in attendance at a widely attended event and is associated with the event. Such
8 gifts shall be reported on the disclosure form prescribed in § 2.2-3117.

9
10 E. Notwithstanding the provisions of subsections B and C, such officer or employee or a member
11 of his immediate family may accept or receive a gift from a foreign dignitary with a value
12 exceeding \$100 for which the fair market value or a gift of greater or equal value has not been
13 provided or exchanged. Such gift shall be accepted on behalf of the Commonwealth or a locality
14 and archived in accordance with guidelines established by the Library of Virginia. Such gift shall
15 be disclosed as having been accepted on behalf of the Commonwealth or a locality, but the value
16 of such gift shall not be required to be disclosed.

17
18 F. Notwithstanding the provisions of subsections B and C, such officer, employee, or candidate
19 or a member of his immediate family may accept or receive certain gifts with a value in excess of
20 \$100 from a person listed in subsection B or C if such gift was provided to such officer,
21 employee, or candidate or a member of his immediate family on the basis of a personal
22 friendship. Notwithstanding any other provision of law, a person listed in subsection B or C may
23 be a personal friend of such officer, employee, or candidate or his immediate family for purposes
24 of this subsection. In determining whether a person listed in subsection B or C is a personal
25 friend, the following factors shall be considered: (i) the circumstances under which the gift was
26 offered; (ii) the history of the relationship between the person and the donor, including the nature
27 and length of the friendship and any previous exchange of gifts between them; (iii) to the extent
28 known to the person, whether the donor personally paid for the gift or sought a tax deduction or
29 business reimbursement for the gift; and (iv) whether the donor has given the same or similar
30 gifts to other persons required to file the disclosure form prescribed in § 2.2-3117 or 30-111.

31
32 G. Notwithstanding the provisions of subsections B and C, such officer, employee, or candidate
33 or a member of his immediate family may accept or receive gifts of travel, including travel-
34 related transportation, lodging, hospitality, food or beverages, or other thing of value, with a
35 value in excess of \$100 that is paid for or provided by a person listed in subsection B or C when
36 the officer, employee, or candidate has submitted a request for approval of such travel to the
37 Council and has received the approval of the Council pursuant to § 30-356.1. Such gifts shall be
38 reported on the disclosure form prescribed in § 2.2-3117.

39
40 H. During the pendency of a civil action in any state or federal court to which the
41 Commonwealth is a party, the Governor or the Attorney General or any employee of the
42 Governor or the Attorney General who is subject to the provisions of this chapter shall not
43 solicit, accept, or receive any gift from any person that he knows or has reason to know is a
44 person, organization, or business that is a party to such civil action. A person, organization, or
45 business that is a party to such civil action shall not knowingly give any gift to the Governor or
46 the Attorney General or any of their employees who are subject to the provisions of this chapter.

1 I. The \$100 limitation imposed in accordance with this section shall be adjusted by the Council
2 every five years, as of January 1 of that year, in an amount equal to the annual increases for that
3 five-year period in the United States Average Consumer Price Index for all items, all urban
4 consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of
5 Labor, rounded to the nearest whole dollar.

6
7 *J. The provisions of this section shall not apply to any justice of the Supreme Court of*
8 *Virginia, judge of the Court of Appeals of Virginia, judge of any circuit court, or judge or*
9 *substitute judge of any district court.*

10
11 **§ 2.2-3112. Prohibited conduct concerning personal interest in a transaction;**
12 **exceptions.**

13
14 A. Each officer and employee of any state or local governmental or advisory agency who has a
15 personal interest in a transaction:

16
17 1. Shall disqualify himself from participating in the transaction if (i) the transaction has
18 application solely to property or a business or governmental agency in which he has a personal
19 interest or a business that has a parent-subsidiary or affiliated business entity relationship with
20 the business in which he has a personal interest or (ii) he is unable to participate pursuant to
21 subdivision 2, 3 or 4. Any disqualification under the provisions of this subdivision shall be
22 recorded in the public records of the officer's or employee's governmental or advisory agency.
23 The officer or employee shall disclose his personal interest as required by subsection E of § 2.2-
24 3114 or subsection F of § 2.2-3115 and shall not vote or in any manner act on behalf of his
25 agency in the transaction. The officer or employee shall be prohibited from (i) attending any
26 portion of a closed meeting authorized by the Virginia Freedom of Information Act (§ 2.2-3700
27 et seq.) when the matter in which he has a personal interest is discussed and (ii) discussing the
28 matter in which he has a personal interest with other governmental officers or employees at any
29 time;

30
31 2. May participate in the transaction if he is a member of a business, profession, occupation, or
32 group of three or more persons the members of which are affected by the transaction, and he
33 complies with the declaration requirements of subsection F of § 2.2-3114 or subsection H of §
34 2.2-3115;

35
36 3. May participate in the transaction when a party to the transaction is a client of his firm if he
37 does not personally represent or provide services to such client and he complies with the
38 declaration requirements of subsection G of § 2.2-3114 or subsection I of § 2.2-3115; or

39
40 4. May participate in the transaction if it affects the public generally, even though his personal
41 interest, as a member of the public, may also be affected by that transaction.

42
43 B. Disqualification under the provisions of this section shall not prevent any employee having a
44 personal interest in a transaction in which his agency is involved from representing himself or a
45 member of his immediate family in such transaction provided he does not receive compensation

1 for such representation and provided he complies with the disqualification and relevant
2 disclosure requirements of this chapter.

3
4 C. Notwithstanding any other provision of law, if disqualifications of officers or employees in
5 accordance with this section leave less than the number required by law to act, the remaining
6 member or members shall constitute a quorum for the conduct of business and have authority to
7 act for the agency by majority vote, unless a unanimous vote of all members is required by law,
8 in which case authority to act shall require a unanimous vote of remaining members.

9 Notwithstanding any provisions of this chapter to the contrary, members of a local governing
10 body whose sole interest in any proposed sale, contract of sale, exchange, lease or conveyance is
11 by virtue of their employment by a business involved in a proposed sale, contract of sale,
12 exchange, lease or conveyance, and where such member's or members' vote is essential to a
13 constitutional majority required pursuant to Article VII, Section 9 of the Constitution of Virginia
14 and § 15.2-2100, such member or members of the local governing body may vote and participate
15 in the deliberations of the governing body concerning whether to approve, enter into or execute
16 such sale, contract of sale, exchange, lease or conveyance. Official action taken under
17 circumstances that violate this section may be rescinded by the agency on such terms as the
18 interests of the agency and innocent third parties require.

19
20 D. The provisions of subsection A shall not prevent an officer or employee from participating in
21 a transaction merely because such officer or employee is a party in a legal proceeding of a civil
22 nature concerning such transaction.

23
24 E. The provisions of subsection A shall not prevent an employee from participating in a
25 transaction regarding textbooks or other educational material for students at state institutions of
26 higher education, when those textbooks or materials have been authored or otherwise created by
27 the employee.

28
29 *F. The provisions of this section shall not prevent any justice of the Supreme Court of*
30 *Virginia, judge of the Court of Appeals of Virginia, judge of any circuit court, judge or*
31 *substitute judge of any district court, member of the State Corporation Commission, or*
32 *member of the Virginia Workers' Compensation Commission from participating in a*
33 *transaction where such individual's participation involves the performance of his adjudicative*
34 *responsibilities as set forth in Canon 3 of the Canons of Judicial Conduct for the State of*
35 *Virginia. However, nothing in this subsection shall be construed to authorize such individual's*
36 *participation in a transaction if such participation would constitute a violation of the Canons*
37 *of Judicial Conduct for the State of Virginia.*