

## VIRGINIA

### Ethics Agencies

#### **1. Is there an ethics agency, with the authority to conduct its own investigations, including public hearings and subpoena power?**

The Virginia Conflict of Interest and Ethics Advisory Council is an advisory body with jurisdiction over conflict of interest, gifts, financial disclosure and lobbying laws for elected and appointed executive branch officials and executive branch employees, as well as local government employees. [Va. Code §§ 30-355\(A\), 2.2-3100, 3102](#). It also has jurisdiction over financial disclosure reports filed by members of the General Assembly. [Va. Code §§ 30-110, 111](#). The Council does not have investigative powers, outside of reviewing documents filed by lobbyists. [Va. Code § 30-356\(2\)](#).

The Senate and House Ethics Advisory Panels are independent agencies composed of non-legislative members, each with jurisdiction over conflict of interest and gift laws in the General Assembly. Va. Code §§ [30-109, 30-112, 30-119](#). Each Panel has the authority to investigate complaints upon referral from the Ethics Advisory Council which forwards all complaints under the Panels' jurisdiction, but not on its own initiative. [Va. Code § 30-114\(A\)](#). Each Panel has subpoena power and holds open hearings once probable cause has been established. [Va. Code §§ 30-114\(C\), 30-115](#).

#### **2. Will the ethics agency accept anonymous complaints and is the ethics agency required to reveal the name of the complainant to the respondent?**

The Conflicts of Interest and Ethics Advisory Council does not accept anonymous complaints, and only accepts complaints related to legislators. [Va. Code § 30-114\(A\)](#). The Senate and House Ethics Advisory Panels do not accept any complaints but receive referrals from the Council. [Va. Code § 30-114\(A\)](#).

The Ethics Advisory Council forwards complaints to the House and Senate Ethics Advisory Panels, and their investigation allows the respondent to face and cross-examine the accuser. [Va. Code § 30-114\(C\)](#).

#### **3. Does the ethics agency have the ability to sanction, including personnel actions, injunctions, and fines?**

Personnel Actions – NONE

Injunctions – NONE

Fines – NONE

#### **4. Are the members of the ethics agency protected from removal without cause?**

There are no provisions protecting members of the Ethic Advisory Council or the Legislative Advisory Panels from removal.

## **Gifts**

### **5. Are elected and appointed executive branch officials and legislators prohibited from accepting gifts from high-risk sources (lobbyists, lobbyists' principals, government contractors) in an aggregate of \$250 or more?**

Elected and appointed executive branch officials are prohibited from accepting gifts over \$100 in a year from lobbyists, lobbyists' principals, or anyone who is or is seeking to contract with the agency for which the official works. [Va. Code § 2.2-3103.1\(C\)](#). Legislative branch officials are prohibited from accepting gifts over \$100 in a year from lobbyists and lobbyists principals. [Va. Code § 30-103.1\(B\)](#). Gifts less than \$20 in value are not counted even for aggregation purposes. [Va. Code §§ 2.2-3103.1\(C\), 30-103.1\(B\)](#). Standard exceptions apply. [Va. Code §§ 2.2-3103.1\(D\)-\(G\), 30-103.1\(C\)-\(F\)](#).

### **6. Are elected and appointed executive branch officials and legislators prohibited from accepting gifts from persons other than high-risk sources in an aggregate of \$250 or more?**

Elected and appointed executive branch officials and legislators may accept gifts unless they would reasonably tend to influence them in their duties, cause a reasonable person to question their impartiality affecting the donor, or on a basis so frequent as to raise the appearance of impropriety. [Va. Code §§ 2.2-3103\(5\), \(8\), \(9\), 30-103\(5\), \(10\), \(11\)](#). There is no monetary limit.

### **7. Are elected and appointed executive branch officials and legislators required to publicly disclose gifts that they receive?**

Elected and appointed executive branch officials and legislators are required to report gifts with a total value of more than \$50 from lobbyists, lobbyist's principals, and entities that either have or are seeking a contract with the filer's agency. Legislators are required to report gifts with a total value of more than \$50 from lobbyists and lobbyist's principals. [Va. Code section 2.2-3114.2; Conflict of Interest and Ethics Advisory Council, General Assembly Statement of Economic Interests 19 \(2017\); Conflict of Interest and Ethics Advisory Council, State and Local Government Statement of Economic Interests](#)

## **Campaigns**

### **8. Does the state require reporting of contributors to independent spenders?**

Though independent expenditures of more than \$1,000 must be reported, contributors do not have to be disclosed on the report. [Va. Code § 24.2-945.2\(A\)](#); [Independent Expenditure Report](#). There are no provisions requiring disclosure of funders of 501(c) organizations or beneficial owners of LLCs that make contributions to independent spenders.

**9. Does the state require the disclosure of the payors of political advertisements or other electioneering communications to appear directly on the communication made through print media, broadcast media (TV, radio etc.), and Internet-based media (Facebook, Twitter, Google, and other online platforms)?**

Disclosure of who paid for the advertisement is required on all print and broadcast media advertisements. [Va. Code § 24.2-956.1](#); [Va. Code § 24.2-957.3](#). There are no requirements for disclosure of funders for internet-based media.

**Legislators**

**10. Do legislators have to disclose client names as part of their financial disclosure reports?**

Legislators must report the type of businesses, but not the actual names of the businesses, to which they, or anyone with whom they have a close financial association, provided services, if the amount of compensation was in excess of \$5,000. [Conflict of Interest and Ethics Advisory Council, General Assembly Statement of Economic Interests 6 \(2017\)](#); [Conflict of Interest and Ethics Advisory Council, An Informal Guide to Completing the General Assembly Statement of Economic Interests 5 \(2017\)](#).

**Appendix: Sources of Law & Guidance**

**Statutes**

[State and Local Government Conflict of Interests Act](#) (Va. Code §§ 2.2-3100 to -3131)

[Campaign Finance Disclosure Act of 2006](#) (Va. Code §§ 24.2-949.5 to -953.5)

[General Assembly Conflicts of Interests Act](#) (Va. Code §§ 30-100 to -129.3)

**Guidance**

[An Informal Guide to Completing the General Assembly Statement of Economic Interests](#)  
Conflict of Interest and Ethics Advisory Council, [State and Local Government Statement of Economic Interests](#)

Conflict of Interest and Ethics Advisory Council, [General Assembly Statement of Economic Interests](#)

[Conflict of Interest and Ethics Advisory Council, An Informal Guide to Completing the General Assembly Statement of Economic Interests 18 \(2017\)](#).