

HOUSE JOINT RESOLUTION NO. 53

Continuing the Joint Subcommittee to Study Comprehensive Campaign Finance Reform. Report.

Agreed to by the House of Delegates, February 11, 2022

Agreed to by the Senate, March 1, 2022

WHEREAS, House Joint Resolution No. 526 (2021) established the Joint Subcommittee to Study Comprehensive Campaign Finance Reform; and

WHEREAS, the Joint Subcommittee to Study Comprehensive Campaign Finance Reform met four times during the 2021 interim to collect information from citizens, stakeholders, private institutions, the Department of Elections, the State Board of Elections, and members to carry out its work; and

WHEREAS, in recognition of the delay in appointing members due to the COVID-19 pandemic and the limited time authorized by House Joint Resolution No. 526 (2021) within which to conduct meetings, the Joint Subcommittee to Study Comprehensive Campaign Finance Reform decided to focus its efforts on issues concerning transparency and accountability; and

WHEREAS, the Joint Subcommittee to Study Comprehensive Campaign Finance Reform heard testimony on and discussed drafts of legislation prohibiting the personal use of campaign funds using the same "irrespective test" used by the Federal Elections Commission to differentiate legitimate campaign and office holder expenses from personal use; and

WHEREAS, the Joint Subcommittee to Study Comprehensive Campaign Finance Reform heard testimony on and discussed the establishment of record retention requirements and a system for reviewing the accuracy and completeness of campaign finance disclosure reports by the Department of Elections or a contracted third party; and

WHEREAS, the Joint Subcommittee to Study Comprehensive Campaign Finance Reform heard testimony on and discussed requiring electronic filing of independent expenditure reports in the same manner as state-level campaigns; and

WHEREAS, the Joint Subcommittee to Study Comprehensive Campaign Finance Reform heard testimony on and discussed reporting requirements that would make it easier to trace the source of funds passed through multiple entities prior to being contributed to a candidate campaign committee or other committee regulated under Virginia's campaign finance laws; and

WHEREAS, the Joint Subcommittee to Study Comprehensive Campaign Finance Reform heard testimony on and discussed the need for regulation of electioneering advertisements that mention candidates but that avoid the explicit advocacy required to be regulated under current law; and

WHEREAS, the members of the Joint Subcommittee to Study Comprehensive Campaign Finance Reform were impressed with the complex and delicate nature of the issues discussed and and recognize a need for further discussion in order to ensure that proper consideration is given and that a truly comprehensive recommendation can be made; and

WHEREAS, the members of the Joint Subcommittee to Study Comprehensive Campaign Finance Reform concur that the work of the joint subcommittee should be continued one additional year and that the members of the subcommittee appointed pursuant to House Joint Resolution No. 526 (2021) should be allowed to continue serving in their original capacity unless replaced; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Subcommittee to Study Comprehensive Campaign Finance Reform be continued. The joint subcommittee shall have a total membership of 14 members that shall consist of 10 legislative members and four nonlegislative citizen members. Members shall be appointed as follows: six members of the House of Delegates, one of whom shall be the chair of the House Committee on Privileges and Elections and five of whom shall be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; four members of the Senate, one of whom shall be the chair of the Senate Committee on Privileges and Elections and three of whom shall be appointed by the Senate Committee on Rules; two nonlegislative citizen members to be appointed by the Speaker of the House of Delegates; one nonlegislative citizen member to be appointed by the Senate Committee on Rules; and one nonlegislative citizen member to be appointed by the Governor. Nonlegislative citizen members of the joint subcommittee shall be citizens of the Commonwealth. Unless otherwise approved in writing by the chairman of the joint subcommittee and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required. The joint subcommittee shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall examine the costs of campaigning in the Commonwealth, the effectiveness of the Commonwealth's present disclosure laws and their enforcement, the constitutional options available to regulate campaign finances, and the desirability of specific revisions in the Commonwealth's laws, including the implementation of contribution limits, all with the aim of promoting the integrity of, and public confidence in, the Commonwealth's campaign finance system.

Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services. Technical assistance shall be provided by the Department of Elections. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2022 interim, and the direct costs of this study shall not exceed \$22,400 without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint subcommittee shall be adopted if a majority of the House members or a majority of the Senate members appointed to the joint subcommittee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the joint subcommittee.

The joint subcommittee shall complete its meetings by November 30, 2022, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2023 Regular Session of the General Assembly. The executive summary shall state whether the joint subcommittee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or delay the period for the conduct of the study, or authorize additional meetings during the 2022 interim.