



# COMMONWEALTH of VIRGINIA

Office of the Attorney General

Mark R. Herring  
Attorney General

202 North Ninth Street  
Richmond, Virginia 23219  
804-786-2071  
Fax 804-786-1991  
Virginia Relay Services  
800-828-1120  
7-1-1

November 7, 2016

The Honorable Bill DeSteph  
Member, Senate of Virginia  
588 Central Drive  
Virginia Beach, Virginia 23454

Dear Senator DeSteph:

I am writing in response to your letter of October 26, 2016. You requested “an opinion on the legality of Virginia Beach Connex operating as a 501(c)(4) and effectively, an extension of Light Rail Now.” You further state that “Virginia Beach Connex appears to operate as a PAC, which would require full disclosure of contributions.” The Supreme Court of Virginia recognizes that construction of the Constitution and statutes of the Commonwealth by the Attorney General under § 2.2-505 of the *Code of Virginia* “is of the most persuasive character and is entitled to due consideration.”<sup>1</sup> The same status and weight, however, are not afforded informal opinions and advice rendered by deputy and assistant attorneys general. The views expressed herein do not constitute an opinion of the Attorney General under the provisions of § 2.2-505. This response to your inquiry represents only the individual views of one of the counsel to the Attorney General.<sup>2</sup>

Section 24.2-945.1 of the *Code of Virginia* defines a “referendum committee” as “any organization, person, group of persons, or committee, that makes expenditures in a calendar year in excess of . . . (iii) \$1,000 to advocate the passage or defeat of a referendum held in a single county or city.” The campaign finance disclosure obligations of a referendum committee are found in § 24.2-951 *et seq.* of the *Code of Virginia*.

A determination of an entity’s proper organization and compliance with relevant state law requires a fact-specific analysis of the characteristics and actions of that entity and “Attorneys General have consistently declined to render official opinions on specific factual matters,” 2009 Op. Va. Att’y Gen. 80, 81 and n. 17, and “refrain from commenting on matters that would require additional facts,”

---

<sup>1</sup> Barber v. Danville, 149 Va. 418, 424 (1928); *see also* Va. Beach v. Va. Rest. Ass’n, 231 Va. 130, 135 (1986); Bd. of Supervisors. v. Marshall, 215 Va. 756, 762 (1975).

<sup>2</sup> *See* VA. CODE ANN. § 2.2-501 (2014) (permitting the Attorney General to appoint such deputy and assistant attorneys general as may be necessary).

Honorable Bill DeSteph  
November 7, 2016  
Page 2

2010 Op. Va. Att'y Gen. 56, 58. Therefore, I am unable to render an opinion on whether or not any individual organization has or has not complied with the obligations of § 24.2-951.

With kindest regards, I am

Very truly yours,

A handwritten signature in black ink, appearing to read "G. Timothy Oksman", written over the typed name.

G. Timothy Oksman  
Opinions Counsel