

VIRGINIA STATE BOARD OF ELECTIONS

Richmond, Virginia 23219

September 15, 2026

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION REQUEST AOR #1
ADVISORY OPINION AO#1

Dan Harner
Office of Del. Phillip Hernandez
P.O. Box 8927
Norfolk, VA 23503

Dear Mr. Harner:

We are responding to your advisory opinion request (AOR) on behalf of Phil for VA (the “Committee”) regarding the application of Va. Code § 24.2-948.6, concerning the use of campaign funds. Specifically, your request concerns whether utilizing campaign funds to finance and conduct a competition to design a specialty license plate commemorating a local historic community, which would award the creator of the winning design \$1,000 in prize money, would constitute prohibited personal use of campaign funds.

The State Board of Elections (“The Board”), having considered the relevant facts and law, issues this advisory opinion pursuant to the Board’s authority under Va. Code § 24.2-948.8. Accordingly, the Board concludes that the Committee’s proposed use of campaign funds would not be prohibited under Va. Code § 24.2-948.6, because both the contest and the award constitute “a political or officially connected expense to the extent the expense is an expenditure that is provided for under Virginia law or an ordinary and necessary expense incurred in connection with the duties of an officeholder.”¹ The proposed specialty license plate contest would be held in honor of a historic community in the officeholder’s (the “Delegate’s”) district, for residents of the Delegate’s district, as part of a community engagement drive. Additionally, the \$1,000 prize would be rewarded based on the merits of the design and is an ordinary expense as it closely resembles the usual and normal compensation for a service provided- in this case designing a specialty license plate. Further, the Delegate intends to sponsor the winning design as a legislative proposal as part of the General Assembly session in 2027, undoubtedly a routine duty of a state legislator. It should be noted that the Board has considered only the facts as stated in

¹ Prohibited Personal Use of Campaign Funds (2026) 1VAC 20-90-50.
<https://townhall.virginia.gov/L/ViewAction.cfm?actionid=6888>

the AOR. Additional facts or materially relevant omissions to the questions posed could change the permissibility of using campaign funds on the contest or the prize.

Questions Presented

For the purposes of Va. Code § 24.2-948.6:

1. May the Committee use campaign funds to finance and conduct a competition to select a design for a specialty license plate for the purpose of sponsoring that commemorative license plate design in a legislative proposal?
2. May the Committee use campaign funds to award the winner of said competition, selected by a committee of judges based on the merits of the design, \$1,000?

Background

On August 10, 2026, the Committee submitted an AOR² (the “request” or “AOR”) asking the Board to advise whether the following activity would be a prohibited personal use of campaign funds:

“Mr. Hernandez, in his role as Delegate, is running a community engagement drive to collect design proposals of a specialty license plate celebrating Ocean View, a historic community in Norfolk. Submissions will be collected until September 15 and a selection committee will decide which design is the winner. That design will then be used for the eventual [specialty] plate after Del. Hernandez carries legislation to create the plate in January of 2027. Mr. Hernandez would like to award the winning design artist with \$1000. In light of the new campaign finance laws, we are seeking an [advisory] opinion from the Board before making this potential award public. Please advise if this would be acceptable under the new law.”

The Board posted the AOR publicly on August 19, 2026, and solicited comments from interested parties. No comments were received.

The Board met on September 15, 2026, to consider the underlying issues of fact and law. By a vote of 5-0, the Board concluded that the proposed use of campaign funds to finance and conduct a competition to select a design for a license plate for the purpose of sponsoring the winning design in a legislative proposal would not violate the provisions of Va. Code § 24.2-948.6. By a vote of 5-0 the Board concluded that the proposed use of campaign funds to award the winner of said competition, selected by a panel of judges based on the merit of the design, \$1,000 would not violate the provisions of Va. Code § 24.2-948.6.

² Prohibited Personal Use of Campaign Funds Advisory Opinion Request #1 (2026).
<https://townhall.virginia.gov/L/ViewNotice.cfm?GNid=3447>

Discussion

Va. Code § 24.2-948.6 identifies seven categories of permissible uses of contributions accepted by a candidate or his campaign committee: (1) for otherwise authorized expenditures in connection with the candidate's campaign; (2) for ordinary and necessary expenses incurred in connection with the duties of the individual as an officeholder; (3) for contributions to any organization described in § 170(c) of the Internal Revenue Code; (4) for transfers to any federal, state, or local political party committee; (5) for contributions to federal, state, and local candidates subject to the provisions of prevailing law; (6) for dependent care expenses that are incurred as a direct result of the person's seeking, holding, or maintaining public office; or (7) for any other lawful purpose unless prohibited by subsection B of Va. Code § 24.2-948.6.

In the case of this request, the two proposed expenditures must be separated to evaluate them properly. First, the Committee proposes spending campaign funds for the contest itself, including any capital required to conduct the contest. Second, in addition to the cost of the contest, the Committee proposes awarding the creator of the winning design with a prize of \$1,000. This prize must be considered a distinct expenditure, as a monetary prize is not strictly required to conduct such a contest.

May the Committee use campaign funds to finance and conduct a competition to select a design for a specialty license plate for the purpose of sponsoring that commemorative license plate design in a legislative proposal?

The first proposed use of funds, the license plate design contest, is intended to serve as part of a community engagement drive conducted by the Delegate in celebration of a historic community, Ocean View, located within the district the Delegate represents. A cursory examination of local sources suggests that Ocean View has been the subject of ongoing revitalization efforts.^{3 4 5} It is reasonable that an officeholder would want to celebrate Ocean View's historical significance and recent revitalization through a community engagement event, such as the proposed contest. Creating such community engagement events and stakeholder outreach are routine officeholder duties, and this case is no exception.

Further, the Delegate will likely carry the winning design through the General Assembly: a core duty of the officeholder.⁶ As such, should the Delegate carry the winning design to the 2027 session as its patron, this would be an ordinary element of the Delegate's job duties. Thus,

³ Ocean View Beach Park Expansion Project. City of Norfolk, Virginia - Official Website. (n.d.).

<https://www.norfolk.gov/6203/Ocean-View-Beach-Park-Expansion-Project>

⁴ Delesline, N. (2019, July 27). New Year will bring major redevelopment to Ocean View.

<https://www.pilotonline.com/2018/12/26/new-year-will-bring-major-redevelopment-to-ocean-view-2/>

⁵ Vargas, A. (2022, November 30). Next steps for Norfolk's Ocean View Revitalization Project in the works | 13newsnow.com. 13 News Now. <https://www.13newsnow.com/article/news/local/mycity/norfolk/norfolks-ocean-view-revitalization-project/291-99560318-9070-4500-90ea-811b99e36581>

⁶ Create a Plate Guidelines (2026.) Virginia Department of Motor Vehicles.

<https://www.dmv.virginia.gov/vehicles/license-plates/plate-develop>

both the proposed purpose of the contest, and any subsequent proposed license plate design legislation, would fit the definition of a permitted campaign expense, as a use of campaign funds “for a political or officially connected expense to the extent the expense is an expenditure that is provided for under Virginia law or an ordinary and necessary expense incurred in connection with the duties of an officeholder.”⁷

May the Committee use campaign funds to award the winner of said competition, selected by a committee of judges based on the merits of the design, \$1,000?

For the question of the proposed prize, several key elements of the advisory opinion request suggest that this expenditure would not be a prohibited personal use of campaign funds. The Delegate has proposed that a committee of judges select the winning design based on its merits, rather than at random. This prevents the contest from resembling a raffle or lottery, and instead suggests the prize is fulfilling a role closer to compensation for the individual who submits the winning entry for the use of their design. Compensating this individual for their labor and design in service of the officeholder would not be considered a personal use of campaign funds if the labor is directly related to the routine duties of the office and that labor would not occur outside of the Delegate’s duties as an officeholder, as it seems here.

In order to be considered a permissible use of campaign funds, payments for goods and services must not be excessive. Specifically, such payments must not exceed the “usual and normal” charge for a good or service, defined as “the hourly charge for the same or similar goods or services at a commercially reasonable rate at the time the services were rendered.”⁸ Should the payment surpass that usual and normal threshold, any additional amount would then be considered personal use and could not be paid with campaign funds.

Considering this AOR, similar publicly advertised design contests offer prizes as compensation for the labor of the winning designer or design team, and many of those contests offer prizes of similar monetary value to the \$1,000 prize described in this AOR.^{9 10 11} Therefore, the \$1000 prize is a usual and normal charge and is not a prohibited personal use of campaign funds.

Holding

⁷ Va. Code § 24.2-948.6 and Personal Use of Campaign Funds (2026) 1VAC 20-90-50(4). <https://townhall.virginia.gov/L/ViewAction.cfm?actionid=6888>

⁸ Va. Code § 24.2-948.6 and Prohibited Personal Use of Campaign Funds (2026) 1VAC 20-90-50(A). <https://townhall.virginia.gov/L/ViewAction.cfm?actionid=6888>

⁹ See *Artists Magazine Annual art competition*. Artists Network. (2026, June 19). <https://www.artistsnetwork.com/art-competitions/artists-magazine-annual/?srsltid=AfmBOokwEcD2ss35-XwHf3wp-71TTGsmSjinolHci5BVgjy8ZNhesc>

¹⁰ See *Bienenstock furniture and Interior Design Competition winners*. Bienenstock Furniture Library. (2026, March 11). <https://www.furniturelibrary.com/academics/competition-winners/>

¹¹ See *Nisod Student Design Contest*. NISOD. (2026, May 13). <https://www.nisod.org/membership/student-graphic-design-contest/>

Having considered the relevant facts and law, the Board holds that: (1) using campaign funds to finance and conduct a competition to select a design for a specialty license plate for the purpose of sponsoring that commemorative license plate design in a legislative proposal would not be a prohibited personal use of campaign funds and (2) using campaign funds to award the winner of said competition \$1,000, selected by a committee of judges based on the merits of the design, would not be a prohibited use of campaign funds.

This advisory opinion addresses only whether the activity described in the accompanying AOR would qualify as prohibited personal use of campaign funds under Va. Code § 24.2-948.6 and its appurtenant regulations and policies. This opinion does not address whether the underlying activity is lawful under any other state, federal, or local laws. Further, this advisory opinion is not an endorsement of the underlying activity.

This advisory opinion may be relied upon by any person involved in the transaction or activity described herein or involved in a materially indistinguishable transaction or activity.¹² Any such individual who acts in good faith in accordance with the findings of this advisory opinion shall not, as a result of such act, be subject to any sanction provided under Va. Code § 24.2-948.6.¹³ However, this opinion should not be relied upon regarding activities or transactions that are materially different from those discussed herein.

On behalf of the State Board of Elections

Chairman John O'Bannon
Vice Chairman Rosalyn R. Dance
Secretary Georgia Alvis-Long
Christopher P. Stolle
Sally Hudson

¹² Va. Code 24.2-948.8 (D).

¹³ Va. Code 24.2-948.7.