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SENATE BILL NO. 1244

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Privileges and Elections
on February 19, 2001)

(Patrons Prior to Substitute—Senators Watkins and Marye [SB 1168])

A BILL to amend and reenact §§ 24.2-1013 and 24.2-1014 of the Code of Virginia, relating to campaign advertisements; identification and authorization requirements.

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-1013 and 24.2-1014 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-1013. Publications not to receive compensation for advocating candidacy; penalties.

A. It shall be unlawful for any owner, proprietor, editor, manager, officer, clerk, agent, reporter, or employee of any newspaper, magazine, or periodical printed or published in this Commonwealth to accept or receive or agree to accept or receive, for himself or another, any money or other valuable consideration for such newspaper, magazine, or other periodical supporting or advocating the election or defeat of any candidate. But nothing in this section shall prevent any person, firm, or corporation engaged in the publication of any newspaper, magazine or periodical from receiving from any person compensation for printing and publishing any matter, article or articles advocating the election or defeat of any candidate, if a statement, "Paid Advertisement," appears in plain type in boldface Roman capitals in a conspicuous place at the beginning of the matter or article and the matter or article otherwise complies with the provisions of § 24.2-1014.

B. *The person accepting a "Paid Advertisement" for the newspaper, magazine or periodical shall require, and for one year shall retain a copy of, proof of the identity of the person who submits the advertisement for publication when the authorization statement on the advertisement is made pursuant to subdivision B. 3. b. of § 24.2-1014. Proof of identity shall be submitted either (i) in person and include a valid Virginia driver's license, or any other identification card issued by a government agency of the Commonwealth, one of its political subdivisions, or the United States, or (ii) other than in person, in which case, the person submitting the advertisement shall provide a telephone number and the person accepting the advertisement may phone the person to verify the validity of the person's identifying information before publishing the advertisement.*

C. Any such owner, proprietor, editor, manager, officer, clerk, agent, reporter, or employee violating the provisions of subsections A or B shall be subject to a civil penalty not to exceed fifty dollars; and, in the case of a willful violation, he shall be guilty of a Class 1 misdemeanor. The procedure to enforce the civil penalty provided in this section shall be as stated in § 24.2-929.

§ 24.2-1014. Identifying persons responsible for campaign advertisements; penalties.

A. As used in this section "advertisement" includes any printed or otherwise reproduced material that contains a statement or statements made for the purpose of influencing the outcome of an election for public office, but shall not include: (i) editorial comment or news coverage that is sponsored and financed by the news medium publishing or broadcasting it; (ii) novelties, authorized by the candidate, including, but not limited to, pens, pencils, and buttons to be attached to wearing apparel; or (iii) signs and billboards larger than six square feet in area and authorized by the candidate that show only the candidate's name and one or more of the following facts: the candidate's political party, the elected office held, the elected office sought, or the date of the election.

B. It shall be unlawful for any person to cause any advertisement other than a television or radio broadcast to appear concerning any clearly identified candidate unless such advertisement plainly identifies the person or entity responsible for it. The advertisement shall carry the statement "authorized by. . . ." and contain the following information to complete the statement:

1. The name of the candidate if the advertisement is authorized by the candidate or his campaign committee;

2. The name of the political party committee if the advertisement is authorized by that committee; or

3. If authorized by any person other than the candidate, his campaign committee, or a political party committee, either:

a. In the case of a committee that has filed a statement of organization under § 24.2-908, the full name of the committee and a registration number provided by the State Board, or

b. In any other case, the full name and residence address of the individual responsible for the advertisement.

C. It shall be unlawful for any person to use a false or fictitious name or address on any such advertisement described in subsection B.

D. It shall be unlawful for any person to cause any radio or television or other electronically transmitted statement to appear concerning any clearly identified candidate unless the advertisement or

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60 statement contains information that plainly identifies the candidate, committee, individual, or entity
61 responsible for it *and provides, as a minimum, the information required by subsection B.*

62 *E. The person accepting an advertisement for a radio or television station shall require, and for one*
63 *year shall retain documentation to show that the person who submits the advertisement for broadcast*
64 *has provided the information required by subsection B. In addition, when the minimum information*
65 *requirement of subdivision B. 3. b. is applicable to the advertisement and requires the name and*
66 *residence address of an individual responsible for the advertisement, the person accepting the*
67 *advertisement for a radio or television station shall require proof of identity of the person who submits*
68 *the advertisement for broadcast. Proof of identity shall be submitted either (i) in person and include a*
69 *valid Virginia driver's license, or any other identification card issued by a government agency of the*
70 *Commonwealth, one of its political subdivisions, or the United States, or (ii) other than in person, in*
71 *which case, the person submitting the advertisement shall provide a telephone number and the person*
72 *accepting the advertisement may phone the person to verify the validity of the person's identifying*
73 *information before broadcasting the advertisement.*

74 *F. Any person violating any provision of this section shall be subject to a civil penalty not to exceed*
75 *fifty dollars; and, in the case of a willful violation, he shall be guilty of a Class 1 misdemeanor. The*
76 *procedure to enforce the civil penalty provided in this section shall be as stated in § 24.2-929. The*
77 *violation of this section shall not void any election.*