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HOUSE BILL NO. 1586

Offered January 8, 2003

Prefiled December 20, 2002

A BILL to amend and reenact § 24.2-943 of the Code of Virginia, relating to basic requirements for political campaign advertisements.

Patron—Cole

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:**1. That § 24.2-943 of the Code of Virginia is amended and reenacted as follows:**

§ 24.2-943. Basic requirements for political campaign advertisements; penalty.

A. It shall be unlawful for any sponsor to sponsor an advertisement in the print media or on radio or television that constitutes an expenditure or contribution required to be disclosed under Chapter 9 (§ 24.2-900 et seq.) of this title unless all of the following conditions are met:

1. It bears the legend or includes the statement: "Paid for by [..... Name of candidate, candidate campaign committee, political party committee, political action committee, individual, or other sponsor]." In television advertisements, this disclosure shall be made by visual legend.

2. The name used in the labeling required in subdivision 1 for a political party committee contains the name of the political party and for a political action committee is the name that appears on the statement of organization as required in § 24.2-908.

3. In a print media advertisement supporting or opposing the nomination or election of one or more clearly identified candidates, the sponsor states whether it is authorized by a candidate. The visual legend in the advertisement shall state either "Authorized by [name of candidate], candidate for [name of office]" or "Not authorized by a candidate." This subdivision does not apply if the sponsor of the advertisement is the candidate the advertisement supports or that candidate's campaign committee.

4. In a print media advertisement that identifies a candidate the sponsor is opposing, the sponsor discloses in the advertisement the name of the candidate who is intended to benefit from the advertisement. This subdivision applies only when the sponsor coordinates or consults about the advertisement or the expenditure for it with the candidate who is intended to benefit or with that candidate's campaign committee.

5. If an advertisement described in this section is jointly sponsored, the disclosure statement shall name all the sponsors.

Novelty items such as pens, buttons, and balloons are not considered print media for the purposes of this section and are not required to have a disclosure statement.

B. In a print media advertisement covered by subsection A, the height of all disclosure statements required by that subsection shall be a font size not smaller than 10 pitch for print media of a size of 8 1/2 inches by 11 inches or smaller, or constitute at least ~~five~~ 5 percent of the height of the printed space of the advertisement for print media of a size greater than 8 1/2 inches by 11 inches. If a single advertisement consists of multiple pages, folds, or faces, the disclosure requirement of this section applies only to one page, fold, or face. *The size of the print media shall be considered the size of 1 page, fold, or face.* In a television advertisement covered by subsection A, the visual disclosure legend shall constitute ~~twenty~~ 20 scan lines in size. In a radio advertisement covered by subsection A, the disclosure statement shall last at least ~~two~~ 2 seconds and the statement shall be spoken so that its contents may be easily understood.

C. Any candidate, candidate campaign committee, political party committee, political action committee, individual, or other sponsor violating any provision of this section shall be subject to a civil penalty not to exceed ~~one hundred dollars~~ \$100; and in the case of a willful violation, he shall be guilty of a Class 1 misdemeanor. Any civil penalties collected pursuant to an action under this section shall be payable to the State Treasurer for deposit to the general fund.

D. The person accepting an advertisement for a radio or television outlet shall require, and for ~~one~~ 1 year shall retain a copy of, proof of identity of the person who submits the advertisement for broadcast when the authorization statement on the advertisement is made by an individual or entity other than a candidate, candidate campaign committee, political party committee, or political action committee. 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

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59 advertisement shall provide a telephone number and the person accepting the advertisement may phone
60 the person to verify the validity of the person's identifying information before broadcasting the
61 advertisement.

62 E. Television or radio outlets shall not be liable under this section for carriage of political
63 advertisements that fail to include the disclosure requirements provided for in this section. This
64 provision supercedes any contrary provisions of the Code of Virginia.