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HOUSE BILL NO. 1586

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Privileges and Elections
on January 17, 2003)

(Patrons Prior to Substitute—Delegates Cole, Marshall, R.G. [HB 1551], McQuigg [HB 1692], and
O'Bannon [HB 2464])

A BILL to amend and reenact §§ 24.2-942 and 24.2-943 of the Code of Virginia, relating to disclosure requirements for political campaign advertisements.

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-942 and 24.2-943 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-942. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Advertisement" means any message appearing in the print media, on television, or on radio that constitutes a contribution or expenditure under Chapter 9 (§ 24.2-900 et seq.) of this title. *"Advertisement" shall not include novelty items authorized by a candidate including, but not limited to, pens, pencils, magnets, and buttons to be attached to wearing apparel.*

"Candidate" means "candidate" as defined in § 24.2-101.

"Candidate campaign committee" or "campaign committee" has the meaning defined in § 24.2-901.

"Full-screen" means the only picture appearing on the television screen during the oral disclosure statement that (i) contains the disclosing person, (ii) occupies all visible space on the television screen, and (iii) contains the image of the disclosing person that occupies at least fifty percent of the vertical height of the television screen.

"Political action committee" has the same meaning as "political committee" in § 24.2-901 except that "political action committee" does not include any political party or political party committee. The term shall include any other organization or auxiliary associated with or using the name of a political party.

"Political party" has the same meaning as "party" or "political party" in § 24.2-101.

"Political party committee" means any state political party committee, congressional district political party committee, county or city political party committee, or organized political party group of elected officials. The term shall not include any other organization or auxiliary associated with or using the name of a political party.

"Print media" means billboards, cards, newspapers, newspaper inserts, magazines, mass mailings, pamphlets, fliers, *bumper stickers*, periodicals, website, electronic mail, and outdoor advertising facilities. A "mass mailing" is a mailing with more than 500 pieces.

"Radio" means any radio broadcast station that is subject to the provisions of 47 U.S.C. §§ 315 and 317.

"Scan line" means a standard term of measurement used in the electronic media industry calculating a certain area in a television advertisement.

"Sponsor" means a candidate, candidate campaign committee, political party committee, political action committee, individual, or other entity that purchases an advertisement.

"Television" means any television broadcast station, cable television system, wireless-cable multipoint distribution system, satellite company, or telephone company transmitting video programming that is subject to the provisions of 47 U.S.C. §§ 315 and 317.

"Unobscured" means that the only printed material that may appear on the television screen is a visual disclosure statement required by law, and that nothing is blocking the view of the disclosing person's face.

§ 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

60 office]" or "Not authorized by a candidate." This subdivision does not apply if the sponsor of the
61 advertisement is the candidate the advertisement supports or that candidate's campaign committee.

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

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

69 B. In a print media advertisement covered by subsection A, ~~the height of all any disclosure~~
70 ~~statements statement~~ required by that subsection shall ~~constitute at least five percent of the height of the~~
71 ~~printed space of the advertisement~~ *be displayed in a conspicuous manner. "Conspicuous" means so*
72 *written, displayed, or presented that a reasonable person ought to have noticed it.* If a single
73 advertisement consists of multiple pages, folds, or faces, the disclosure requirement of this section
74 applies only to ~~one~~ 1 page, fold, or face. In a television advertisement covered by subsection A, the
75 visual disclosure legend shall constitute ~~twenty~~ 20 scan lines in size. In a radio advertisement covered
76 by subsection A, the disclosure statement shall last at least ~~two~~ 2 seconds and the statement shall be
77 spoken so that its contents may be easily understood.

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

83 D. The person accepting an advertisement for a radio or television outlet shall require, and for ~~one~~ 1
84 year shall retain a copy of, proof of identity of the person who submits the advertisement for broadcast
85 when the authorization statement on the advertisement is made by an individual or entity other than a
86 candidate, candidate campaign committee, political party committee, or political action committee. Proof
87 of identity shall be submitted either (i) in person and include a valid Virginia driver's license, or any
88 other identification card issued by a government agency of the Commonwealth, ~~one~~ 1 of its political
89 subdivisions, or the United States, or (ii) other than in person, in which case, the person submitting the
90 advertisement shall provide a telephone number and the person accepting the advertisement may phone
91 the person to verify the validity of the person's identifying information before broadcasting the
92 advertisement.

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