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**HOUSE BILL NO. 1026**

Offered January 14, 2004

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*A BILL to amend and reenact §§ 24.2-900, 24.2-901, 24.2-905, 24.2-908, 24.2-921, 24.2-926, 24.2-929, 24.2-943, and 24.2-944 of the Code of Virginia, relating to the Campaign Finance Disclosure Act and disclosure requirements for political campaign advertisements.*

Patron—Albo

Referred to Committee on Privileges and Elections

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 24.2-900, 24.2-901, 24.2-905, 24.2-908, 24.2-921, 24.2-926, 24.2-929, 24.2-943, and 24.2-944 of the Code of Virginia are amended and reenacted as follows:**

§ 24.2-900. Elections to which chapter applicable; chapter exclusive.

The provisions of this chapter shall apply to all elections, including referenda, and to nominating conventions, mass meetings, and other methods to nominate a political party candidate for public office, except elections for (i) members of the United States Congress, (ii) town office in a town with a population of less than 25,000, (iii) directors of soil and water conservation districts, or (iv) political party committees. Every candidate for the United States Congress shall file with the State Board certified copies of all reports of campaign contributions and expenditures required by the laws of the United States. Except as provided in § 24.2-903.1, this chapter shall constitute the exclusive and entire campaign finance disclosure law of the Commonwealth, and elections to which the chapter applies shall not be subject to further regulation by local law.

§ 24.2-901. Definitions.

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

"Campaign committee" means the committee designated by a candidate to receive all contributions and make all expenditures for him or on his behalf in connection with his nomination or election.

"Contribution" means money and services of any amount, and any other thing of value over \$100, given, advanced, ~~promised~~, loaned, or in any other way provided to a candidate, campaign committee, political committee, inaugural committee, or person for the purpose of influencing the outcome of an election or defraying the costs of the inauguration of a Governor, Lieutenant Governor, or Attorney General. "Contribution" includes money, services, or things of value in any way provided by a candidate to his own campaign and the payment by the candidate of any primary filing fee.

"Expenditure" means money and services of any amount, and any other thing of value over \$100, paid, ~~promised~~, loaned, provided, or in any other way disbursed by any candidate, campaign committee, political committee, inaugural committee, or person for the purpose of influencing the outcome of an election or defraying the costs of the inauguration of a Governor, Lieutenant Governor, or Attorney General.

"Inaugural committee" means any committee ~~which~~ *that* anticipates receiving contributions or making expenditures, from other than publicly appropriated funds, for the inauguration of the Governor, Lieutenant Governor, or Attorney General and related activities.

"Independent expenditure" means an expenditure made by any person or political committee ~~which~~ *that* is not made to, controlled by, coordinated with, or made upon consultation with a candidate, his campaign committee, or an agent of the candidate or his campaign committee.

"Person" means any individual or corporation, partnership, business, labor organization, membership organization, association, cooperative, or other like entity.

"Political action committee" means any organization, other than a campaign committee or political party committee, established or maintained in whole or in part to receive and expend contributions for political purposes.

"Political committee" means any state political party committee, congressional district political party committee, county or city political party committee for a county or city with a population of more than 100,000, organized political party group of elected officials, political action committee, other committee, person or group of persons which receives contributions or makes expenditures for the purpose of influencing the outcome of any election. The term shall not include: (i) a campaign committee; (ii) a political party committee exempted pursuant to § 24.2-911; or (iii) a person who receives no contributions from any source and whose only expenditures are made solely from his own funds and are either contributions made by him which are reportable by the recipient pursuant to Article 4 (§ 24.2-914 et seq.) of this chapter or independent expenditures which are reportable by him to the extent required

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59 by subsection B of § 24.2-910, or a combination of such reportable contributions and independent  
60 expenditures.

61 B. For the purpose of applying the filing and reporting requirements of Article 3 (§ 24.2-908 et seq.)  
62 and Article 4 of this chapter, the terms "person," "political action committee," and "political committee"  
63 shall not include an organization holding tax-exempt status under § 501 (c) (3) of the United States  
64 Internal Revenue Code which, in providing information to voters, does not advocate or endorse the  
65 election or defeat of a particular candidate, group of candidates, or the candidates of a particular  
66 political party.

67 § 24.2-905. Campaign depositories; reimbursements of expenses; petty cash fund.

68 All funds and monetary contributions received by the candidate or his campaign committee, as soon  
69 as practicable after receipt thereof, shall be deposited by the treasurer in the designated campaign  
70 depository in an account properly identifying the name of and the existence of the political candidacy.  
71 No candidate, campaign treasurer, or other individual shall pay any expense on behalf of a candidate,  
72 directly or indirectly, except by a check drawn on such designated depository identifying the name of  
73 the campaign committee and candidate. However, a candidate, treasurer, or other authorized member of  
74 the candidate's campaign staff may be reimbursed, by a check drawn on the designated depository, for  
75 the payment of expenses (i) paid by him by check, cash, or credit or debit card, (ii) made on behalf of  
76 the campaign, and (iii) fully documented by complete records of the expenditure, maintained as required  
77 by this chapter, and including receipts identifying the nature of the expenses and the names and  
78 addresses of each person paid by the recipient of the reimbursement. In addition, a treasurer (a) may  
79 establish a petty cash fund to be utilized for the purpose of making expenditures or reimbursing verified  
80 credit card expenditures of less than one hundred dollars if complete records of such expenditures are  
81 maintained as required by this chapter and (b) may transfer funds from the designated campaign  
82 depository to an account or instrument to earn interest on the funds so long as the transferred funds and  
83 earned interest are returned to the designated depository account, complete records are maintained, and  
84 all expenditures are made through the designated depository account.

85 *Notwithstanding the provisions of this section, a candidate who has a current exemption under the*  
86 *provisions of § 24.2-906.1, or who is otherwise exempt from reporting contributions and expenditures*  
87 *under this chapter, may purchase voter lists from the State Board under the provisions of §§ 24.2-405*  
88 *and 24.2-406 with a check drawn on the candidate's personal account.*

89 § 24.2-908. Statement of organization.

90 A. Except as provided in subsection B, each political committee ~~which~~*that* anticipates receiving  
91 contributions or making expenditures in excess of \$200 in a calendar year shall file with the State Board  
92 a statement of organization ~~(i)~~ within ~~ten~~ 10 days after its organization or, if later, within ~~ten~~ 10 days  
93 after the date on which it has information ~~which~~*that* causes the committee to anticipate it will receive  
94 contributions or make expenditures in excess of \$200 or on which it otherwise becomes subject to the  
95 provisions of this chapter, ~~and (ii) annually thereafter by January 15.~~

96 The statement of organization shall include:

- 97 1. The name of the committee and its address in the Commonwealth;
  - 98 2. The names, addresses, and relationships of affiliated or connected organizations;
  - 99 3. The area, scope, or jurisdiction of the committee;
  - 100 4. The name, business address, and position of the custodian, if any, of books and accounts and his  
101 residence address in the Commonwealth;
  - 102 5. The name, residence address, and position of other principal officers, including officers and  
103 members of the finance committee, if any, and including at least one principal officer who is a resident  
104 of the Commonwealth, who serves as treasurer or chief executive officer of the committee, and who  
105 shall be deemed the agent of the committee for the purpose of service of process on the committee;
  - 106 6. The name, address, office sought, and party affiliation of each individual whom the committee is  
107 supporting or opposing for nomination or for election to any public office whatever or, if supporting the  
108 entire ticket of any party, the name of the party;
  - 109 7. In the event the committee is promoting or opposing a referendum, the subject of the referendum,  
110 the date and location of the election, and a statement whether the committee is promoting or opposing  
111 the referendum question;
  - 112 8. In the case of an inaugural fund committee, the name, address, and office to which elected of the  
113 person on whose behalf the committee is organized;
  - 114 9. A statement whether the committee is a continuing one;
  - 115 10. The disposition of residual funds ~~which~~*that* will be made in the event of dissolution;
  - 116 11. The designated sole depository to be used for the receipt and holding of funds and contributions  
117 received by the committee, in an account in a financial institution within the Commonwealth; and
  - 118 12. Such other information as shall be required by the State Board.
- 119 Any change in information previously submitted in a statement of organization shall be reported to  
120 the State Board within ~~ten~~ 10 days following the change.

Any committee ~~which~~*that*, after having filed ~~one or more statements~~ *a statement* of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$200 shall so notify the State Board. *A final report shall be filed by the committee that sets forth (i) all receipts and disbursements not previously reported, (ii) an accounting of the retirement of all debts, and (iii) the disposition of the committee's surplus funds. This final report shall include a termination statement, signed by the custodian of the books and accounts or other principal officer listed on the statement of organization, that all reporting for the committee is complete and final.*

B. Notwithstanding the provisions of subsection A, a political committee that is established or controlled by a corporation doing business in Virginia or a national political party committee shall provide the following information in its statement of organization in lieu of the information required in subdivisions 1, 4, 5, and 11 of subsection A:

1. The name and address of the committee;

2. The name, residence and business addresses, and position of the custodian, if any, of books and accounts;

3. The name, residence address, and position of other principal officers, including officers and members of the finance committee, if any; and

4. A listing of all banks, safe-deposit boxes, or other repositories used.

§ 24.2-921. Use of excess contributed funds.

A. Amounts received by a candidate or his campaign committee as contributions that are in excess of the amount necessary to defray his campaign expenditures may be disposed of only by one or any combination of the following: (i) transferring the excess for use in a succeeding election or to retire the deficit in a preceding election; (ii) returning the excess to a contributor in an amount not to exceed the contributor's original contribution; (iii) donating the excess to any organization described in § 170 (c) of the Internal Revenue Code; (iv) contributing the excess to one or more candidates or to any political committee ~~which~~*that* has filed a statement of organization pursuant to § 24.2-908; (v) contributing the excess to any political party committee; and (vi) defraying any ordinary, nonreimbursed expense related to his elective office. It shall be unlawful for any person to convert any contributed moneys, securities, or like intangible personal property to his personal use.

B. *Amounts received by a political committee as contributions may be disposed of only by one or any combination of the following: (i) transferring the excess to an affiliated organization of the committee; (ii) returning the excess to a contributor in an amount not to exceed the contributor's original contribution; (iii) donating the excess to any organization described in § 170 (c) of the Internal Revenue Code; (iv) contributing the excess to one or more candidates or to any political committee that has filed a statement of organization pursuant to § 24.2-908; (v) contributing the excess to any political party committee; and (vi) defraying any ordinary, nonreimbursed expense related to the political committee. It shall be unlawful for any person to convert any contributed moneys, securities, or like intangible personal property to his personal use.*

§ 24.2-926. Custody of reports; inspection and copying.

Every officer or electoral board, other than the State Board, with whom reports are required by this chapter to be filed, shall file and preserve such reports and keep them as part of the office's records for at least one year after the final report is filed, or through the next general election for the office to which they pertain, whichever is later, *or in the case of a candidate who has not filed a final report and seeks election to the same office in a successive election, through the next general election for the office to which they pertain.* The State Board shall file and preserve as part of its records the reports required by this chapter to be filed with it for at least one year after the final report is filed, *or in the case of a candidate who has not filed a final report and seeks election to the same office in a successive election, through the next general election for the office to which they pertain.* Thereafter, the State Board shall forward the reports it preserves to The Library of Virginia for preservation under the Virginia Public Records Act (§ 42.1-76 et seq.).

All reports shall be open to inspection by any person during the business hours of the office in which they are filed. Copies shall be produced for any person requesting them who shall pay the reasonable cost of the copies.

Copies of such reports certified by the principal administrative officer in whose office they are kept shall be evidence in all courts to the same extent as the original report would be if produced and proved.

§ 24.2-929. Penalties for violations of chapter.

A. Any person who violates, or aids, abets, or participates in the violation of, this chapter shall be subject to a civil penalty not to exceed ~~fifty dollars~~*\$50*, unless a greater penalty is imposed as follows:

1. In the case of a violation of Article 4 (§ 24.2-914 et seq.) of Chapter 9 of this title that relates to the filing of an incomplete report due within the 120 days before or the 35 days after a November

182 general election date, he shall be subject to a civil penalty not to exceed \$300.

183 2. In the case of a violation of Article 4 (§ 24.2-914 et seq.) of Chapter 9 of this title, that relates to  
184 the failure to file a required report by the deadline specified in Article 4, he shall be assessed a civil  
185 penalty not to exceed \$500. In the case of a second or any subsequent such violation pertaining to one  
186 election cycle, he shall be assessed a civil penalty of \$500 for each such failure to file. The State Board  
187 shall assess the civil penalty imposed by this subdivision and shall notify the public through the global  
188 information system known as the Internet of the violation and identity of the violator.

189 3. In the case of a willful violation, he shall be guilty of a Class 1 misdemeanor.

190 In the case of a failure to file a required report by the specified deadline, the length of the  
191 delinquency shall be a factor in determining the amount of the civil penalty assessed. The State Board  
192 shall notify the public through the global information system known as the Internet of any violation  
193 based on the failure to file a required report by a candidate for statewide office or the General Assembly  
194 and the identity of the violator.

195 Upon notice of a violation of this chapter by the State Board or the general registrar or local  
196 electoral board, as appropriate, the attorney for the Commonwealth shall initiate civil proceedings to  
197 enforce the civil penalties *and penalties assessed by the State Board or the local electoral board as*  
198 provided herein. Any civil penalties collected pursuant to action by the State Board shall be payable to  
199 the State Treasurer for deposit to the general fund; and any civil penalties collected pursuant to action  
200 by a general registrar or local electoral board shall be payable to the treasurer of the locality for deposit  
201 to its general fund. The statute of limitations applicable to a violation of this chapter is stated in  
202 § 19.2-8. There shall be a rebuttable presumption that the violation of this chapter was willful if the  
203 violation is based on a person's failure to file a report required by this chapter and his failure to file  
204 continues for more than 60 days following his actual receipt of written notice of his failure to file sent  
205 to him by certified mail, return receipt requested, by the State Board or an electoral board. *Such notice*  
206 *shall be sent to the most recent mailing address provided by the candidate or committee.*

207 B. Prior to assessing a penalty pursuant to this section for the filing of an incomplete report, the  
208 Secretary of the State Board or the general registrar or secretary of the local electoral board, as  
209 appropriate, shall notify, in writing, the candidate and treasurer, or person or political committee  
210 required to file a report with that board, that a filed report has not been completed, citing the omissions  
211 from the report. No penalty shall be assessed if the information required to complete the report is filed  
212 within ten days of the date of mailing the written notice.

213 C. If the information required to complete the report is not filed within the ten-day period, the  
214 Secretary of the State Board or the general registrar or secretary of the local electoral board, as  
215 appropriate, shall then assess against the candidate and treasurer, who shall be jointly and severally  
216 liable, or person or political committee required to file a report, a civil penalty not to exceed \$300. The  
217 Secretary of the State Board or the general registrar or secretary of the local electoral board may grant  
218 an additional period for compliance, not to exceed two weeks, to permit the completion of a filed report  
219 for good cause shown and in response to a request filed within the ~~ten~~10-day period. However, no  
220 additional period shall be granted thereafter for compliance.

221 D. The additional periods for filing specified in subsections B and C shall apply only to the  
222 completion of a timely filed report and not to any case of a failure to file a required report by the  
223 deadline specified in this chapter. In the case of a failure to file a required report by the specified  
224 deadline, the length of the delinquency shall be a factor in determining the amount of the civil penalty  
225 assessed. The State Board shall notify the public through the global information system known as the  
226 Internet of any violation based on the failure to file a required report by a candidate for statewide office  
227 or the General Assembly and the identity of the violator.

228 E. In the case of a failure to file the report of any large ~~pre-election~~pre-election contribution required  
229 by § 24.2-919, or the late or incomplete filing of such a report, there shall be a rebuttable presumption  
230 that the violation was willful. The provisions of subsections B and C of this section shall not apply to  
231 reports required by § 24.2-919.

232 F. *In the case of any other violation of this title that is to be enforced under this section, the*  
233 *electoral board for the locality in which the violation occurred, if the violation was by or on behalf of a*  
234 *candidate for local office or to influence a local ballot issue, or the State Board if the violation was by*  
235 *or on behalf of a candidate for any other office or to influence any other ballot issue, shall determine*  
236 *whether a violation was committed and assess the appropriate civil penalty, if any. If it appears that a*  
237 *criminal violation has occurred, the electoral board or State Board shall not assess a penalty but shall*  
238 *forward the complaint to the appropriate attorney for the commonwealth.*

239 G. *The State Board shall determine the schedule of fines required to be followed by its staff and*  
240 *local electoral boards in assessing penalties under this section. No election official or staff may waive*  
241 *or reduce such fines, except as provided above.*

242 § 24.2-943. Basic requirements for political campaign advertisements; penalty.

243 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.

B. In a print media advertisement covered by subsection A, any disclosure statement required by that subsection shall be displayed in a conspicuous manner. "Conspicuous" means so written, displayed, or presented that a reasonable person ought to have noticed it. 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. In a television advertisement covered by subsection A, the visual disclosure legend shall constitute 20 scan lines in size. In a radio advertisement covered by subsection A, the disclosure statement shall last at least two 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 \$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. *The procedure to enforce the civil penalties provided in this section shall be as stated in § 24.2-929.*

D. The person accepting an advertisement for a radio or television outlet shall require, and for one 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 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 broadcasting the advertisement.

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

§ 24.2-944. Additional requirements for radio and television campaign advertisements.

A. In addition to the basic identification requirements of § 24.2-943, it shall be unlawful for any sponsor to sponsor an advertisement 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 the expanded disclosure requirements set out in this section are met.

B. This subsection shall apply to political campaign advertisements on television.

1. Television advertisements purchased by a candidate or by a candidate campaign committee supporting or opposing the nomination or election of one or more clearly identified candidates shall include a disclosure statement spoken by the candidate containing at least the following words: "I am (or "This is .....") [name of candidate], candidate for [name of ] office , and I (or "my campaign") sponsored this ad."

2. Television advertisements purchased by a political party committee supporting or opposing the nomination or election of one or more clearly identified candidates shall include a disclosure statement spoken by the chair, executive director, or treasurer of the political party committee containing at least

the following words: "The [name of political party committee] sponsored this ad." The disclosed name of the political party committee shall include the name of the political party.

3. Television advertisements purchased by a political action committee supporting or opposing the nomination or election of one or more clearly identified candidates shall include a disclosure statement spoken by the chief executive officer or treasurer of the political action committee containing at least the following words: "The [name of political action committee] political action committee sponsored this ad." The name of the political action committee used in the advertisement shall be the name that appears on the statement of organization as required in § 24.2-908.

4. Television advertisements purchased by an individual supporting or opposing the nomination or election of one or more clearly identified candidates shall include a disclosure statement spoken by the individual containing at least the following words: "I am [individual's name], and I sponsored this ad."

5. Television advertisements purchased by a sponsor (other than a candidate, a candidate campaign committee, a political party committee, political action committee, or an individual) supporting or opposing the nomination or election of one or more clearly identified candidates shall include a disclosure statement spoken by the chief executive or principal decision-maker of the sponsor containing at least the following words: "[Name of sponsor] sponsored this ad."

6. In any television advertisement described in subdivisions 1 through 5, an unobscured, full-screen picture containing the disclosing individual, either in photographic form or through the actual appearance of the disclosing individual on camera, shall be featured throughout the disclosure statement.

7. *In any television advertisement during which the advertiser does not have the option of controlling the audio, if any, heard during the advertisement, the disclosure requirements shall be the same as for print media.*

C. This subsection shall apply to political campaign advertisements on radio.

1. Radio advertisements purchased by a candidate or by a candidate campaign committee supporting or opposing the nomination or election of one or more clearly identified candidates shall include a disclosure statement spoken by the candidate containing at least the following words: "I am (or "This is .....") [name of candidate], candidate for [name of office], and this ad was paid for (or "sponsored by" or "furnished by") [name of candidate campaign committee that paid for the advertisement]."

2. Radio advertisements purchased by a political party committee supporting or opposing the nomination or election of one or more clearly identified candidates shall include a disclosure statement spoken by the chair, executive director, or treasurer of the political party committee containing at least the following words: "This ad was paid for (or "sponsored by" or "furnished by") [name of political party committee]." The disclosed name of the political party committee shall include the name of the political party.

3. Radio advertisements purchased by a political action committee supporting or opposing the nomination or election of one or more clearly identified candidates shall include a disclosure statement spoken by the chief executive officer or treasurer of the political action committee containing at least the following words: "This ad was paid for (or "sponsored by" or "furnished by") [name of political action committee]." The name of the political action committee used in the advertisement shall be the name that appears on the statement of organization as required in § 24.2-908.

4. Radio advertisements purchased by an individual supporting or opposing the nomination or election of one or more clearly identified candidates shall include a disclosure statement spoken by the individual containing at least the following words: "I am [individual's name], and I sponsored this ad."

5. Radio advertisements purchased by a sponsor (other than a candidate, a candidate campaign committee, a political party committee, political action committee, or an individual) supporting or opposing the nomination or election of one or more clearly identified candidates shall include a disclosure statement spoken by the chief executive or principal decision-maker of the sponsor containing at least the following words: "[Name of sponsor] paid for (or 'sponsored by' or 'furnished by') this ad."

D. In advertisements on television, a sponsor may place the disclosure statement required by this section at any point during the advertisement, except if the duration of the advertisement is more than five minutes, the disclosure statement shall be made both at the beginning and end of the advertisement. The sponsor may provide the oral disclosure statement required by this section at the same time as the visual disclosure required under the Communications Act of 1934, 47 U.S.C. §§ 315 and 317, is shown. Any visual disclosure legend shall be at least twenty scan lines in size. For advertisements on radio, the placement of the oral disclosure statement shall comply with the requirements of the Communications Act of 1934, 47 U.S.C. §§ 315 and 317.

E. In its oral disclosure statement, a sponsoring political party committee, political action committee, individual, or other noncandidate sponsor may choose to identify an advertisement as either supporting or opposing the nomination or election of one or more clearly identified candidates.

F. If an advertisement described in this section is jointly sponsored, the disclosure statement shall name all the sponsors and the disclosing individual shall be one of those sponsors. If a candidate is one of the sponsors, that candidate shall be the disclosing individual, and if more than one candidate is the

367 sponsor, at least one of the candidates shall be the disclosing individual.

368 G. Any candidate, candidate campaign committee, political party committee, political action  
369 committee, individual, or other sponsor violating any provision of this section shall be subject to a civil  
370 penalty not to exceed \$500 per occurrence; and in the case of a willful violation, he shall be guilty of a  
371 Class 1 misdemeanor. For the purposes of this section, an "occurrence" shall be defined as one broadcast  
372 of a radio or television political campaign advertisement in violation of this section. In no event shall  
373 the total civil penalties imposed for multiple broadcasts of one particular campaign advertisement exceed  
374 \$5,000. Any civil penalties collected pursuant to an action under this section shall be payable to the  
375 State Treasurer for deposit to the general fund. *The procedure to enforce the civil penalties provided in*  
376 *this section shall be as stated in § 24.2-929.*

377 H. Television advertisements by a sponsor supporting or opposing the nomination or election of one  
378 or more clearly identified candidates shall comply with the oral disclosure requirements of this section.  
379 Those advertisements shall also comply with the disclosure requirements under the Communications Act  
380 of 1934, 47 U.S.C. §§ 315 and 317 by use of visual legends. The content of those visual legends is  
381 specified by the Communications Act of 1934, 47 U.S.C. §§ 315 and 317 and this section. The size of  
382 those visual legends is determined by subsection D, which satisfies requirements under the  
383 Communications Act of 1934, 47 U.S.C. §§ 315 and 317. In the case of radio advertisements, the oral  
384 disclosure requirements under this section incorporate the content requirements under the  
385 Communications Act of 1934, 47 U.S.C. §§ 315 and 317.

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