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HOUSE BILL NO. 1363

House Amendments in [] — February 3, 2004

A *BILL to amend and reenact § 24.2-944 of the Code of Virginia, relating to campaign advertisements; requirements for radio and television advertisements.*

Patron Prior to Engrossment—Delegate Jones, S.C.

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:**1. That § 24.2-944 of the Code of Virginia is amended and reenacted as follows:**

§ 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." *This requirement shall not apply to a television advertisement purchased by a candidate or by his candidate campaign committee that supports the nomination or election of that candidate and that does not [~~oppose the nomination or election of~~ identify or make any reference to] any other clearly identified candidate.*

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.

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]." *This requirement shall not apply to a radio advertisement purchased by a candidate or by his candidate campaign committee that supports the nomination or election of that candidate and that does not [~~oppose the nomination or election of~~ identify or make any reference to] any other clearly identified candidate.*

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

59 spoken by the chair, executive director, or treasurer of the political party committee containing at least
60 the following words: "This ad was paid for (or 'sponsored by' or 'furnished by') [name of political party
61 committee]." The disclosed name of the political party committee shall include the name of the political
62 party.

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

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

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

77 D. In advertisements on television, a sponsor may place the disclosure statement required by this
78 section at any point during the advertisement, except if the duration of the advertisement is more than
79 five minutes, the disclosure statement shall be made both at the beginning and end of the advertisement.
80 The sponsor may provide the oral disclosure statement required by this section at the same time as the
81 visual disclosure required under the Communications Act of 1934, 47 U.S.C. §§ 315 and 317, is shown.
82 Any visual disclosure legend shall be at least ~~twenty~~ 20 scan lines in size. For advertisements on radio,
83 the placement of the oral disclosure statement shall comply with the requirements of the
84 Communications Act of 1934, 47 U.S.C. §§ 315 and 317.

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

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

92 G. Any candidate, candidate campaign committee, political party committee, political action
93 committee, individual, or other sponsor violating any provision of this section shall be subject to a civil
94 penalty not to exceed \$500 per occurrence; and in the case of a willful violation, he shall be guilty of a
95 Class 1 misdemeanor. For the purposes of this section, an "occurrence" shall be defined as one broadcast
96 of a radio or television political campaign advertisement in violation of this section. In no event shall
97 the total civil penalties imposed for multiple broadcasts of one particular campaign advertisement exceed
98 \$5,000. Any civil penalties collected pursuant to an action under this section shall be payable to the
99 State Treasurer for deposit to the general fund.

100 H. Television advertisements by a sponsor supporting or opposing the nomination or election of one
101 or more clearly identified candidates shall comply with the oral disclosure requirements of this section.
102 Those advertisements shall also comply with the disclosure requirements under the Communications Act
103 of 1934, 47 U.S.C. §§ 315 and 317 by use of visual legends. The content of those visual legends is
104 specified by the Communications Act of 1934, 47 U.S.C. §§ 315 and 317 and this section. The size of
105 those visual legends is determined by subsection D, which satisfies requirements under the
106 Communications Act of 1934, 47 U.S.C. §§ 315 and 317. In the case of radio advertisements, the oral
107 disclosure requirements under this section incorporate the content requirements under the
108 Communications Act of 1934, 47 U.S.C. §§ 315 and 317.

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